Encounters by the Rivers of Babylon

Edited by
URI GABBAY and
SHAI SECUNDA

Texts and Studies in Ancient Judaism
160

Mohr Siebeck

Texts and Studies in Ancient Judaism

Texte und Studien zum Antiken Judentum

Edited by

Peter Schäfer (Princeton, NJ/Berlin)
Annette Y. Reed (Philadelphia, PA)
Seth Schwartz (New York, NY)
Azzan Yadin-Israel (New Brunswick, NJ)

160

Encounters by the Rivers of Babylon

Scholarly Conversations Between Jews, Iranians and Babylonians in Antiquity

Edited by

Uri Gabbay and Shai Secunda

Mohr Siebeck

Uri Gabbay, born 1975; PhD in Assyriology at Hebrew University; Senior Lecturer in Hebrew University Jerusalem.

Shai Secunda, born 1979; PhD in Talmud from Yeshiva University; Fellow at the Martin Buber Society of Fellows, Hebrew University of Jerusalem.

In Cooperation with the Mandel-Scholion Library

Scholion – Interdisciplinary Research Center in the Humanities and Jewish Studies

The Hebrew University of Jerusalem

e-ISBN PDF 978-3-16-153037-1
ISBN 978-3-16-152833-0
ISSN 0721-8753 (Texts and Studies in Ancient Judaism)

Die Deutsche Nationalbibliothek lists this publication in the Deutsche Nationalbibliographie; detailed bibliographic data are available on the Internet at *http://dnb.dnb.de*.

© 2014 by Mohr Siebeck, Tübingen, Germany. www.mohr.de

This book may not be reproduced, in whole or in part, in any form (beyond that permitted by copyright law) without the publisher's written permission. This applies particularly to reproductions, translations, microfilms and storage and processing in electronic systems.

The book was typeset by Martin Fischer in Tübingen using Times typeface, printed by Gulde-Druck in Tübingen on non-aging paper and bound by Buchbinderei Spinner in Ottersweier.

Printed in Germany.

Table of Contents

Uri Gabbay and Shai Secunda
Introduction 1

Yaakov Elman
Contrasting Intellectual Trajectories: Iran and Israel in Mesopotamia 7

Society and Its Institutions

Ran Zadok
Judeans in Babylonia – Updating the Dossier 109

Caroline Waerzeggers
Locating Contact in the Babylonian Exile: Some Reflections
on Tracing Judean-Babylonian Encounters in Cuneiform Texts 131

Maria Macuch
Jewish Jurisdiction within the Framework of the Sasanian Legal System 147

The Transmission of Knowledge

Abraham Winitzer
Assyriology and Jewish Studies in Tel Aviv:
Ezekiel among the Babylonian *literati* 163

Jonathan Ben-Dov
Time and Culture: Mesopotamian Calendars in Jewish Sources
from the Bible to the Mishnah 217

Nathan Wasserman
Old-Babylonian, Middle-Babylonian, Neo-Babylonian,
Jewish-Babylonian? Thoughts about Transmission Modes of
Mesopotamian Magic through the Ages 255

James Nathan Ford
The Ancient Mesopotamian Motif of *kidinnu*, "divine protection (of temple cities and their citizens)," in Akkadian and Aramaic Magic . . . 271

Reuven Kiperwasser and Dan D.Y. Shapira
Encounters between Iranian Myth and Rabbinic Mythmakers in the Babylonian Talmud 285

Scholasticism and Exegesis

Irving L. Finkel
Remarks on Cuneiform Scholarship and the Babylonian Talmud 307

Eckart Frahm
Traditionalism and Intellectual Innovation in a Cosmopolitan World: Reflections on Babylonian Text Commentaries from the Achaemenid Period 317

Uri Gabbay
Actual Sense and Scriptural Intention: Literal Meaning and Its Terminology in Akkadian and Hebrew Commentaries 335

Prods Oktor Skjærvø
Abar Rōdestān ī Babēl: The Zoroastrian Tradition – the *dēn* – in Sasanian and Early Islamic Times 371

Shai Secunda
Rabbinic and Zoroastrian Hermeneutics: Background and Prospects 393

Yishai Kiel
Shaking Impurity: Scriptural Exegesis and Legal Innovation in the Babylonian Talmud and Pahlavi Literature 413

Source Index 435
Index Nominorum 447
General Index 451

Uri Gabbay and Shai Secunda

Introduction

The articles included in this book deal with a diverse period of one thousand years, from the Judean exile to Babylon until the fall of the Sasanian Empire. However, one thing is common throughout. All of the studies deal with encounters, especially intellectual encounters, that occurred in Mesopotamia, mainly under Iranian (Achaemenid, Parthian, and Sasanian) rule. While Mesopotamia was an area of contact between many cultures and religions, three are the focus of this book – ancient Babylonian, ancient and late antique Iranian, and classical Jewish.

This book originated in an international conference that took place in May 2011 at the Scholion Interdisciplinary Center for Humanities and Jewish Studies at the Hebrew University of Jerusalem. The conference dealt with encounters between Jewish, Iranian, and Babylonian cultures in antiquity, and it also facilitated scholarly encounters between the modern disciplines that focus on these societies. Most importantly, the conference brought together flesh-and-blood scholars in real time from the relevant fields – Assyriologists, Iranists, and scholars of Jewish studies.

Ancient and late antique Mesopotamia constituted a place where many different cultures encountered one another. Despite the considerable diversity of Mesopotamia, the conference was limited to intersections between Jews, who lived in the region for many centuries, and Babylonians and Iranians, who ruled the region for an equally impressive amount of time. In addition, most papers in this collection deal with encounters between Babylonians and Jews, or between Iranians and Jews. Aside from Yaakov Elman's unique contribution, we have hardly dealt with the encounters between Babylonians and Iranians, or with the multidirectional encounters of all three cultures together. We hope that this book will encourage future research in this direction.

The encounters between Babylonian, Jewish, and Iranian cultures occurred in many different fields: social, economic, legal, religious, and intellectual. The main focus of the conference, and consequently the present book, is mostly on intellectual contacts, with an emphasis on the transmission of intellectual and religious knowledge and on common modes of thought and hermeneutics.

In the past few years the impact of ancient "Eastern" cultures – both Babylonian and Iranian – on Judaism has finally begun to receive appropriate scholarly attention. To begin with the Babylonian influence: The importance of cuneiform literature for understanding the Bible was recognized from the very beginning

of nineteenth-century Assyriological research. However, this was not the case when it came to the relevance of Akkadian texts for later biblical texts and postbiblical literature. In addition, the ongoing decipherment and publication of new cuneiform texts, as well as new studies of texts that were considered irrelevant to Jewish studies in earlier scholarship, now make it possible to undertake comparative studies that were not possible earlier. As for what has come to be known as "Talmudo-Iranic" research, while some Jewish studies scholars in the nineteenth century already pointed to the importance of classical Judaism's Persian context, and more recently Iranists like Shaul Shaked have helped to shed valuable light on the Babylonian Talmud's linguistic register, it was primarily thanks to the efforts of Yaakov Elman at the beginning of the twenty-first century that Talmudists and Iranists now work closely in tandem. Among other things, this collaboration includes the training of Talmudists in Iranian languages and literatures, which in turn has contributed to a better understanding of the Bavli and in certain cases even sparked unique contributions by Talmudists to Iranian studies. It is quite clear that the years ahead hold great promise for these newly intersecting disciplines

We would like to acknowledge the support of the Scholion Center both in the organization of the conference and in the editing process of this book. We are most grateful to Prof. Israel Yuval, the former academic head of the Scholion Center, for encouraging us to organize the conference and for his helpful assistance throughout the process. We are also grateful to Prof. Daniel Schwartz, the current head of the Scholion Center, for his assistance and advice on issues related to the editing process. Ms. Maya Sherman, the administrative head of the Scholion Center, as well as Scholion's administrative staff, were always happy to help and advise us on various issues. They have always done this most professionally and pleasantly, and for that we are grateful. Finally, we are indebted to the precise and professional work of copy editor *par excellence*, Dr. Gene McGarry, and the careful indexing of Amit Gvaryahu.

****

The book opens with a singular contribution by Yaakov Elman, "Contrasting Intellectual Trajectories: Iran and Israel in Mesopotamia." In this omnibus study, Elman deploys his training as an Assyriologist, Iranist, and Talmudist to broadly chart the arc of intellectual evolution in the three cultures discussed in this volume. He pays special attention to developments in late antiquity, as well as the similar modes of conceptual thinking that exist in Iranian and rabbinic legal-ritual texts and are less apparent in Babylonian writings.

In the first section of the book, "Society and Its Institutions," three scholars examine broader societal factors at work in the encounters between Jews, Baby-

lonians, and Iranians in antiquity. In "Judeans in Babylonia – Updating the Dossier," Ran Zadok surveys the evidence for Judeans in Babylonia, based almost exclusively on Yahwistic names documented in administrative cuneiform tablets of the Neo-Babylonian and Achaemenid periods. He discusses their social status and organization, as well as their economic activities, and attempts to explain the reasons for the preservation of a distinct Judean identity within Babylonian society, taking into consideration Babylonian social norms as well as case studies of other immigrant societies. In addition, Zadok adds new attestations for Judeans from cuneiform administrative documents.

In "Locating Contact in the Babylonian Exile: Some Reflections on Tracing Judean-Babylonian Encounters in Cuneiform Texts," Caroline Waerzeggers, like Ran Zadok, also uses evidence from administrative tablets. She examines whether speculations about influences and contacts between cuneiform and Hebrew texts can be socially mapped to indicate a route of transmission. She takes an earlier assumption that the biblical book of Kings may be influenced by the Babylonian chronicles as socially possible, and maps the possible social contacts between the group of deportees and Babylonian priests and scribes who would have had access to the chronicles, using onomastic and prosopographical data from archival, economic, and administrative texts. She concludes that although the everyday pathways seen in economic tablets may indicate possible routes of transmission of knowledge, this does not imply that texts and ideas indeed traveled these routes.

In "Jewish Jurisdiction within the Framework of the Sasanian Legal System," Maria Macuch describes the semi-autonomous jurisprudential "space" that Sasanian law afforded non-Iranian legal systems such as rabbinic law. She first analyzes passages from the late Sasanian legal compendium *(Mādayān ī) Hazār dādestān*, or "(Book of) One Thousand Decisions," and other relevant Middle Persian texts that show how on almost all counts, Sasanian civil law treats non-Iranians equally. The majority of the paper examines the position that rabbinic law would have occupied in a Sasanian context. According to Macuch, a crucial factor would have been the ancient distinction made in Iranian sources between ritual and purity laws on the one hand, and civil law on the other. Subsumed within the latter were forms of arbitration and mediation presided over by community-based leaders that would have been the perfect fit for rabbinic jurisprudence. Lying beyond the official confines of the imperial courts but still within the broader Sasanian system, these jurisprudential categories would have given the rabbis a space in which to conduct legal hearings and, one would also assume, to develop their system of law.

In the following section of the collection, "The Transmission of Knowledge," Abraham Winitzer's article "Assyriology and Jewish Studies in Tel Aviv: Ezekiel among the Babylonian *literati*," deals with the Babylonian elements in Ezekiels's prophecy. Winitzer surveys the lexical and cosmic Babylonian fea-

tures found in the book of Ezekiel and adds new observations of such elements, related especially to the scholarly realm. He pays careful attention to elements and motifs from the Epic of Gilgamesh that show up in the book of Ezekiel, arguing that they demonstrate a close and direct encounter with the Babylonian scholarly world. The Babylonian elements found in the book of Ezekiel are not only reflections of or allusions to that culture. They also point to Ezekiel's conscious use of these elements, fitting them with Judean cultural features.

In "Time and Culture: Mesopotamian Calendars in Jewish Sources from the Bible to the Mishnah," Jonathan Ben-Dov examines the impact of the Babylonian calendar on Jewish culture in various stages, from the period of the Babylonian exile, through Second Temple sources, and up to rabbinic sources from the first centuries CE. He touches on various issues regarding calendars, such as local versus imperial calendars, the concept of the week and Sabbath, and the 364-day year, as well as other subjects. He sees the connections between Babylonian and Hebrew cultures as complex, including transmissions that occurred on the ideological and political levels, as well as on the scientific and intellectual levels. He considers these connections not necessarily as a testimony to direct contact between Babylonian scholars and their Jewish counterparts, but rather as part of the more general contact between Babylonian and other societies in the Levant.

In "Old-Babylonian, Middle-Babylonian, Neo-Babylonian, Jewish-Babylonian? Thoughts about Transmission Modes of Mesopotamian Magic through the Ages," Nathan Wasserman studies the cultural transmission of magic. In the first part of his study he focuses on love and sex spells. He observes that hardly anything of the ancient Mesopotamian tradition of such magic can be found in later Aramaic magic. In the second part of his article he suggests that the Mesopotamian elements that do appear in later Aramaic magic are evidence not of continuity in magical practice but of the transmission of learned canonical texts of the first millennium BCE, which included magical texts. On the other hand, he does note some rare occasions where motifs from incantations, especially those known from earlier periods, did find their way into later Aramaic incantations. Wasserman sees such instances as evidence for a non-written transmission. Lastly, he emphasizes the ritual and practical elements of magic, which, as opposed to verbal elements, are at times more likely to persist over time and across cultures.

In "The Ancient Mesopotamian Motif of *kidinnu* 'divine protection (of temple cities and their citizens)' in Akkadian and Aramaic Magic," James Nathan Ford addresses a passage found in the texts of three Aramaic magic bowls from late antiquity that asks for protection against sorcery by likening the clients to Babylonians and Borsippeans. Unlike previous interpreters of this passage, he argues that this likening reflects the ancient Mesopotamian idea that divine protection was extended to citizens of certain cities, specifically Babylon and

Borsippa. This divine protection is attested also in cuneiform magical texts from the first millennium BCE. Thus, although the institution of divine protection did not exist anymore in civic or religious realms, it did survive in the corpus of magical texts.

In "Encounters between Iranian Myth and Rabbinic Mythmakers in the Babylonian Talmud," Reuven Kiperwasser and Dan D.Y. Shapira synthesize some of their previous work that traced the incorporation of ancient Iranian myths in the Babylonian Talmud. In the present article, Kiperwasser and Shapira describe how, presumably via oral transmission, Babylonian rabbinic storytellers adapted mythical creatures from ancient Iranian literature, sometimes wholesale. In each case, the Iranian myth is sophisticatedly harmonized with the world of the rabbis, so that a new "monster," an Iranian-rabbinic hybrid, emerges. To their previous menagerie, Kiperwasser and Shapira add another mythical beast – an astral lion taken not from Iranian literature but from Iranian iconography. Fascinatingly, in this case ancient Babylonian ideas and images merge with Iranian and rabbinic motifs, nicely illustrating a three-way encounter that took place, as it were, by the rivers of Babylon.

The final portion of the collection, "Scholasticism and Exegesis," opens with Irving Finkel's "Remarks on Cuneiform Scholarship and the Babylonian Talmud." Finkel emphasizes the polysemic nature of Babylonian commentaries, ultimately derived from the Mesopotamian Sumero-Akkadian bilingual tradition, which assigns different meanings to individual cuneiform signs and words. He also emphasizes the oral study and expounding that would have accompanied the written form of a cuneiform tablet with a commentary. He argues that the Mesopotamian commentary tradition stood behind the later Jewish midrash and Talmud. In his view, this influence is due to direct contact between Jewish scholars and Babylonian scholars and their materials as reflected in the biblical book of Daniel, which describes Judeans writing "Chaldean."

In "Traditionalism and Intellectual Innovation in a Cosmopolitan World: Reflections on Babylonian Text Commentaries from the Achaemenid Period," Eckart Frahm presents an overview of the Mesopotamian commentaries known from the Achaemenid period, surveying the provenances from which they stem, their relation to earlier commentaries from Assyria and Babylonia, and the hermeneutical techniques they use. He argues that the Mesopotamian commentaries of the Achaemenid period may have exerted a direct influence on Jewish midrash. He suggests some locations where such contact may have occurred. Nevertheless, in his conclusion he also emphasizes the differences between the two corpora, especially relating to the texts that are commented on and their purpose.

In "Actual Sense and Scriptural Intention: Literal Meaning and Its Terminology in Akkadian and Hebrew Commentaries," Uri Gabbay examines two sets of exegetical terms known from Babylonian commentaries and Hebrew

exegetical texts (sectarian literature from the Dead Sea Scrolls and early midrash), the first relating to literal sense, and the second relating to the "speaking" of the commented text. He investigates the similar and different hermeneutical techniques found in the Akkadian and Hebrew bodies of exegetical literature. He argues that the similarities seem to point not only to a phenomenological resemblance between the two traditions, but to the influence of the Akkadian terms and the hermeneutical techniques they stand for on the early Hebrew terms and techniques.

In "*Abar Rōdestān ī Babēl*: The Zoroastrian Tradition – the *dēn* – in Sasanian and Early Islamic Times," Prods Oktor Skjærvø offers Talmudists, Assyriologists, and other scholars who work on other "adjacent" fields a detailed description of the production, transmission, adaptation, and interpretation of ancient Zoroastrian texts. The article is based on decades of research into the modes by which ancient Iranian ritual poets composed texts and how these texts came to be crystalized in the Avestan corpus and then transmitted and understood by Zoroastrian priests in later generations. Skjærvø illustrates how ancient texts were incorporated in later sources, citing Avestan texts used in Old Persian inscriptions, and later in Middle Persian works. He also draws attention to the intellectual sophistication of Middle Persian discussions of the ancient texts, highlighting the precise scholastic terminology found within Middle Persian compilations.

Shai Secunda's paper, "Rabbinic and Zoroastrian Hermeneutics: Background and Prospects," builds on Skjærvø's description of the growth of the classical Zoroastrian tradition, known as the *dēn*. The paper details the development of the Zoroastrian interpretation of the Avesta and attempts to build a program of comparative study of rabbinic and Zoroastrian hermeneutics. The article catalogues shared hermeneutical techniques, including reinterpretation in light of theological difficulties and the attribution of "omnisignificance" to texts, a concept familiar to scholars of biblical interpretation. Secunda suggests that the comparative study of rabbinic and Zoroastrian hermeneutics should be a focus of the nascent subfield of Talmudo-Iranica, given the way hermeneutics comprises the very tool by which both communities made sense of their respective traditions.

In the final article of the volume, "Shaking Impurity: Scriptural Exegesis and Legal Innovation in the Babylonian Talmud and Pahlavi Literature," Yishai Kiel illustrates how extensive comparative work, even in highly technical areas of scriptural exegesis, can be performed on parallel Middle Persian and rabbinic texts. He traces the development of laws concerning the transmission of purity through the transportation of impure objects, showing how both traditions reflect similar developments in legal thinking. While shying away from the terminology of "influence," Kiel nevertheless suggests that the shared intellectual concerns of rabbis and Zoroastrian priests can be profitably compared with one another since they coexisted in the shared space of late antique Iran.

Yaakov Elman

Contrasting Intellectual Trajectories: Iran and Israel in Mesopotamia*

I. Introduction

Three cultures collided in early Achaemenid Mesopotamia: the conqueror (the Iranians), the conquered (the Babylonians), and the already conquered (the Judeans). Some cultural interchanges are clear, some are probable; most are obscure. This conference was convened with the intuition and hope that these obscurities will not hamper us from tracing some of the ways in which these societies intersected and the effects that such intersections had on the development of late antique Jewish and Iranian culture, and perhaps explaining the decline and death of the three-thousand-year-old Babylonian culture, which more or less disappeared from the pages of history in the early Sasanian period.

It is likely that all sorts of combinations and permutations of cultural elements conjoined within each ethnic group. Still, we can only speak with confidence (if any) of the cultural elites whose thoughts have survived in written form. Thus, while two pairs among our three component elite cultures – the Israelite and Mesopotamian scribes of ancient times, and the rabbis and Zoroastrian *dastwar*s of late antiquity – shared many concerns, it is not immediately apparent that we may approach all three as components of a pan-Mesopotamian civilization that spanned the centuries from the beginning of recorded history till the Arab conquest.

The archaeological discoveries of the last one hundred and fifty years and more, particularly the advances in our knowledge of Sumero-Akkadian culture due to the tireless work of generations of Assyriologists, have made clear how overwhelming the interaction of Mesopotamian and Israelite cultures was: from theology to the history of humanity to approaches to law, the Hebrew Bible must be seen as continually engaged in a polemic against Mesopotamian culture and its works. The creation (Gn 1), the garden of Eden (Gn 3), the flood story (Gn 6–10), the tower of Babylon (Gn 11), and the Covenant Code (CC, Ex

* My profound thanks to the conveners of this conference and the editors of the ensuing volume, both for encouraging a wide-ranging examination of intercultural influences in the long history of ancient Mesopotamian thought, and their helpful (and often challenging) comments. I of course remain responsible for any errors.

21–23) all testify to the power of Mesopotamian conceptions. Yet, the continuing power of those conceptions after the Persian conquest is another matter entirely. The history of Judaism and Zoroastrianism must in fact be understood against a different background, that of the Axial Age civilizations that consigned Sumero-Akkadian culture to history's dustbin, even if rabbinic culture maintained aspects of Sumerian scribal culture. It has recently become apparent that the Babylonian Jews, and even the rabbinic elite, were pretty thoroughly acculturated to Middle Persian elite norms.[1] That said, working out the permutations for their Iranian and Babylonian cogeners will be particularly difficult.[2] The following study can therefore hardly attempt a complete picture. In any case, Michael Satlow and others have recently called the whole enterprise of "influence peddling" into question.[3] While not disavowing the enterprise entirely, here I am attempting to get at something more subtle but also more traceable: cognitive styles and modes of explanation. For while the Jews did accept borrowings from Sumero-Akkadian culture, these did not touch the core of Israelite religion, and while the Zoroastrians did exploit Mesopotamian cultural motifs for pragmatic, political reasons, here too they were not influenced by Mesopotamian religion or cognitive style. In the following we will seek the reasons for this impermeability.

Mesopotamia in Ancient Iranian and Jewish Cultures

Although the Achaemenids ruled the largest empire known up to that time, Mesopotamia was supremely important to them. The reason is clear: Mesopotamia constituted the breadbasket of the empire and a center of economic activity. But though the Achaemenids ruled as inheritors of the Neo-Babylonian empire and took Mesopotamian titles, continued the use of Imperial Aramaic as their administrative language, and carved their inscriptions on the side of mountains in a cuneiform script, Achaemenid use of Mesopotamian motifs was purely pragmatic. This is true despite the eventual adoption by the Iranian rulers of Pahlavi, an Aramaic-derived script replete with Arameograms – that is, Aramaic words that were read as Persian – as a means of transmitting Middle Persian texts.[4] But, aside from this adoption of a writing system, which is also utilitarian in nature and motive, can we detect some influence of Babylonian scribal culture on Iranian elite culture, Achaemenid or later?

An essential problem of measuring Mesopotamian influence on Zoroastrianism relates precisely to the state of the Achaemenid Avesta, the Zoroastrian

[1] See Elman 2007, 165–197.

[2] Recent work has shown Hellenistic influence even on the Babylonian scribes; see Scurlock and Al-Rawi 2006. The influence, however, does not betray a real change in cognitive style.

[3] See Satlow 2008.

[4] Skjærvø 1995.

Scriptures, which would not be written down for another millennium. What is available to us (in the royal inscriptions) reveals only the general lines of Zoroastrian theology at best, and not issues of intellectual inquiry. This is perhaps why, aside from the flood story, Mary Boyce could suggest that although various Zoroastrian gods were associated with Babylonian ones (Mithra and Shamash, Tistriya and Nabū, Anahita and Ishtar), in the time-honored tradition of political syncretism, there was no adoption of religious content:

> There was no civilization with such impressive achievements for the eastern Iranians to encounter in the lands which they invaded; and the likelihood is that, strong not only in their own traditions but also in pride of conquest, they took nothing in the religious sphere from those whom they subdued; so that in fact Zoroastrianism appears to have remained essentially pure.[5]

While there is more than a whiff of *Lokalpatriotismus* in Boyce's use of the word "pure" in her judgment, it would seem that she was correct in essence. When historians attempt to pin down the exact contours of Babylonian survivals into Sasanian culture, they find few concrete instances. Their parade example is the rather speculative suggestion that some awareness of the Babylonian creation epic, *Enūma eliš*, can be found in the work of Damaskios, a Greek philosophical refugee from Athens in Ctesiphon (writing after 519 CE, nine hundred years after Cyrus!), who, rather than quoting from authentic Babylonian sources directly – something hardly to be expected – actually had it in Greek from Eudemos of Rhodes, a contemporary of Aristotle, and not from his Iranian hosts![6]

Mesopotamia's recorded history (which dates back to 3200 BCE, from the invention of writing in Uruk, along with bureaucracy and record keeping)[7] stretched onward to Sasanian times.[8] Given the durability of writing on clay tablets, scribal culture eventually included a very large number and variety of texts, thus making fairly detailed historical work possible: economic history, the history of technology, religions (mythology, theology, and ritual), Mesopotamian science (omen literature, medical texts, magic, and so on), the history of Sumero-Akkadian literature (literary forms, themes and motifs, and so forth), legal institutions and terminology, a rich tradition of scribal commentary on "canonical" texts, and more. Most of these may be subsumed under the heading of "intellectual history."

Naturally, one major constraint is the need for continuity in constructing an intellectual history, and while some survivals are tenacious – even two thousand

---

[5] Boyce 1991, 242.

[6] Foster and Foster 2009, 173; see Dalley 1998, 164.

[7] On the uses of cuneiform, see van de Mieroop 1997, 7–18. His cautions are well taken, but as M.A. Finley (1986) had already noted – and as van de Mieroop himself admits – intellectual history is exempt from the strictures he lists.

[8] Mark Geller (1997) has suggested that ancient Babylonian scribal culture continued into the middle of the third century CE, when, as he put it, the "last wedge" was inscribed.

years later, we may thank the Sumerians for our sexagesimal system of telling time and charting a circle – and while fragments of Akkadian scribal tradition (in medicine, law and legal terminology, and in certain elements of culture) survived in Aramaic into Sasanian times, this influence is hardly apparent in Iranian culture except in a relatively superficial way. The rabbis, for their part, were indebted to Akkadian scribes for some fascinating contributions, including significant aspects of their lunisolar calendar, some important legal institutions,[9] terminology[10] (and *Kulturwörter*), various components of medical texts,[11] astrology (though more in the concept than the details),[12] omens, and marital property.[13] Furthermore, as long ago as 1956 W. G. Lambert suggested a cuneiform origin for the rabbinic exegetical device of *notariqon*, where alphabetical letters are interpreted as signaling whole words.[14] Yet, it should be pointed out that this is a relatively marginal enterprise in rabbinic exegesis, and one which makes more sense in its syllabic cuneiform original than in alphabetical Hebrew texts; its cuneiform inspiration is thus palpable. However, the various survivals that scholars have uncovered cannot directly serve us, since each *culture* and each *era* had its own peculiarities. Even the deep Mesopotamian contribution to the Hebrew Bible noted above survived *only* through those biblical references. Despite some continuity in matters such as the terms for marital property, these arrangements were not uniform, even within the relatively restricted confines of ancient and late antique Mesopotamia. In particular, the rights of women to control the property they brought into a marriage varied greatly in place and time, and even within one civilization, as did the possibilities of women playing an independent economic role.[15] This is all the more so over the large time span of our study. At best, the persistence of various terms for marital property within Akkadian and Aramaic and even within rabbinic law itself may demonstrate *linguistic* continuity, but is not necessarily representative of legal or *cultural* continuity.[16] Each culture and each era had to work out the necessary socioeconomic arrangements appropriate for its time and place.[17]

---

[9] See most recently Levine 2002.

[10] For example, Yohanan Muffs ([1969] 2003) traced the history of a variety of Aramaic legal formulas back to Akkadian.

[11] Geller 1991, 2000.

[12] Antonio Panaino (2005) has also shown how Mesopotamian snake omens show up both in rabbinic and Iranian texts.

[13] Baruch Levine (1968, 2004) discussed the Mesopotamian precursors for rabbinic institutions like *melog* and *ketubbah* – dowries and marriage contracts.

[14] Lambert 1954–1956.

[15] Wunsch 2003; Azzoni 2003.

[16] For a survey of the issue of marital property in rabbinic and Sasanian law, see Elman 2003. For Sumero-Akkadian marriage, see Ebeling and Korošec 1938.

[17] In summing up the history of debt-slavery in ancient Mesopotamia, Raymond Westbrook (2001, 336) observes that "hostility to the use of enslavement, at least of fellow citizens, as a means of securing debts eventually led to its disappearance and replacement with other instru-

In order to proceed with our project, we must more precisely define what the hallmarks of Mesopotamian civilization are, and how these characteristics played themselves out within Mesopotamia's cultural artifacts, and in particular its *Wissenschaft* – which might be seen as religiously neutral. What we propose is to determine and compare something more subtle: *modes of thought* or *intellectual styles*, no matter the genre in which they are expressed. And in this endeavor, the legal material that represents elite thinking in pre-Achaemenid times and which continued to be studied thereafter is of prime importance – despite the fact, as we shall see, that the Mesopotamian scribes themselves gave the study and elaboration of legal texts almost no attention. The reason for its importance for our project is twofold. First of all, it is one area of cuneiform literature for which we have comparative biblical material, and thus the comparative study of cuneiform and biblical law has given rise to a rich secondary literature over the last century and more; an especially fruitful area of study is the relationship between cuneiform law and the pentateuchal Book of the Covenant (Ex 21:2–23:33).[18] Moreover, cuneiform law is an important representative of Mesopotamian thought – despite scribal neglect – because the legal collections are themselves typical products of Sumero-Akkadian thought, as Assyriologists have realized since the work of F. R. Kraus half a century ago.

Westbrook considered both legal collections and the larger omen collections as "representatives of a particular type of literature, namely scientific treatises." Divination was regarded as a science by the Mesopotamians and the compiling of omens as the equivalent of scientific research. By the same token, the casuistic style in which both genres are couched was the "scientific" style *par excellence* – transferring "the concrete individual case to the sphere of the impersonal rule."[19] This should occasion no surprise, as contemporary examples of this bifurcation abound: compare the distance between the legal training offered by many prestigious law schools in legal theory as against the practical needs of legal practice, or the Orthodox Jewish distinction between the *lamdan* and the *posek*, the traditional scholar who specializes in talmudic analysis versus the halakhic decisor. In the context of Mesopotamian civilization, the Sumero-Akkadian scribe was the conservator and representative of the age-old Mesopotamian way of (non)analysis, whose prestige was great enough to require the copying of endless lists of cases. We may assume analogies and generalizations were made by most Sumerians and Babylonians in everyday life, and perhaps even by the same scribes who

---

ments of security." He goes on to note that this occurred with Solon in Athens in the mid-first millennium BCE, and with the Roman *lex Poetelia* of 326 BCE. It is noteworthy that Westbrook does so despite his assertion, repeated over and over again, that Sumero-Akkadian culture was essentially static. Interestingly, Catherine Hezser, in her recent book on slavery in rabbinic tradition discovers the same attitude on the part of the rabbis of late antiquity. Yet, she also notes its existence with rabbinic permission in some circumstances. See Hezser 2005, 234–240.

[18] See Paul 1970.

[19] Westbrook 2009, 8.

eschewed them in their professional lives; but that very human propensity did not affect *elite cognitive style.* Still, the very definition of the Axial Age involves the discovery of second-order reasoning by personalities whose work was to become authoritative for the culture they influenced, and it would seem that Mesopotamian elite cognitive style did differ from that of the Israelite and Zoroastrian elites in this respect. Merlin Donald, on whose work on the development of culture much of Robert Bellah's construction of religious history is built, emphasizes the fact that earlier cultural attainments remain in existence, but in more restricted areas than heretofore.[20] In the case of second-order thinking, as in other areas, the Axial revolution did not affect Sumero-Akkadian elite culture.

The other two foci of our concern, Babylonian rabbinic and Zoroastrian texts, are represented by texts that are primarily – though not exclusively – ritual in nature. The reason is simple: as noted, cuneiform tablets survive even when no efforts are made to recopy them; texts written on perishable material will survive only when they are copied and recopied, and, generally speaking, religious texts were the ones that were considered important enough for such effort to be expended. Nevertheless, this essay represents an attempt to limn the changes of Mesopotamian cognitive style from Achaemenid to Sasanian Mesopotamia, from biblical and cuneiform texts to Babylonian rabbinic and Zoroastrian Middle Persian texts up to the late sixth century CE. For the latter part of that period Axial Age theory will be of no help, but Leib Moscovitz's recent work on the movement from casuistics to conceptualization will be of help in understanding rabbinic texts, and we will attempt to apply some of his suggestions to Qumran and Pahlavi texts as well.

Nevertheless, because of the sheer mass of surviving cuneiform material, it seems to me that it is likely that the relative proportion of various text-types mirrors the value system of Mesopotamian scribal culture, despite the oft-repeated plaint of Assyriologists that "the bulk of the written remains from ancient Mesopotamia is accidental in the sense that all of it has been recovered by … excavation. The resulting distribution of texts and text types is thus largely a matter of chance."[21] This may be true, but that mass of material can at least provide us with an insight into the mindset of its creators, the scribal elite of ancient Mesopotamia, and it is with that consideration in mind that we continue our investigation. Unfortunately for our study, post-Sasanian Zoroastrian priests concentrated on preserving ritual texts in the main, and so the rich resources of cuneiform and biblical private and criminal law cannot as easily be deployed in the comparative study of Semitic and Iranian approaches in these areas; but, as we shall see, enough survives for some progress in this area. However, the difficulties

[20] See Donald 2012, 54: "Previous adaptations are preserved, following the principle of conservation of gains."

[21] Finkelstein 1981; quotation from 44.

of working with these texts may explain the failure of writers on the Axial Age to show Zoroastrianism's contribution to the Axial Age except in general terms. Thus, two rather thorough examinations of Axial Age theory give rather short shrift to Zoroastrianism.[22]

One theme that runs through Mesopotamian history like the proverbial red thread is its cosmopolitanism, at least in a limited sense: the belief that contact with another culture can be valuable, useful, or even provide elements important to one's own – at least if the language and mythology were Sumerian. Thus, the daunting task of preserving one difficult, dying, and eventually dead language, Sumerian, did not discourage the Akkadian scribes, and they preserved Sumerian as a learned language far beyond its allotted time (including grammars, lexicons, and bilingual texts), and with great effort – much more than they devoted to legal texts, except for practical matters such as writing contracts and so on. In similar fashion, the Sasanian *dastwar*s and their predecessors preserved texts in Old and Young Avestan (with some bilingual texts and commentaries – transmitted orally!) going back to the middle or late second millennium, and the Aramaic-speaking rabbis preserved Hebrew (with commentary and discussions in two languages). However, unlike the project of the Akkadian scribes, these large enterprises of cultural and linguistic effort on the part of *dastwar*s and rabbis had religious motivations at their roots. Moreover, both the rabbis and the *dastwar*s could look upon these religious works as their own and not directed at, or composed by, a foreign culture. Still, the Judeans in Babylonia were doubly a minority – twice conquered, and a minority to boot – and so while the Torah transformed the prevailing moral system of cuneiform law, the Covenant Code (hereafter CC) illustrates its need to come to grips with that aspect of Mesopotamian culture. Unfortunately, we cannot make the same assertion in regard to the Achaemenid encounter – if encounter there was – with cuneiform law. For the Iranians were conquerors, and the magi in all likelihood felt little need to consider seriously what Mesopotamian civilization could contribute to Zoroastrianism.

Still, here at last we come to an insight that can carry us through much of the twelve hundred years following the Iranian conquest of Mesopotamia. In vital respects Israelite religion and Zoroastrianism stood apart from Sumero-Akkadian religion even in Achaemenid times. Both had become, or were in the process of becoming, scriptural religions, that is, religions whose central doctrines were embodied in a revelation vouchsafed to a prophet in the form of a long com-

[22] Bellah 2011 and Bellah and Joas 2012, though W. G. Runciman and Jan Assmann make a serious attempt to incorporate Zoroaster into their reconstructions in the latter volume. In his review of Bellah 2012, W. G. Bowersock (2013) criticizes Jaspers's theory on several counts, the most salient for us being its limitation in both time and space, its Western orientation, and its emphasis on the written record rather than archaeological finds. In the analysis that follows I have taken care to limit the scope to Mesopotamia, Iran, and Roman Palestine, and to elite thought as expressed in the surviving written record. Most important, I make no universal claims.

pilation, though it would be more than a millennium before Zoroastrianism's "scripture" would be written down; still, most scholars would concede that the formative scriptures of both religions had been composed by or during the Achaemenid period. And both thus arose in the ancient world that *predates* the great watershed in the history of human intellectual activity, the Hellenistic era.[23]

And yet this is far from the whole story, as scholars have come to realize. For Hellenism is only part of the story; some change in human cognitive style seems to have occurred far beyond Greece and the eastern Mediterranean. Whether or not one accepts Karl Jaspers's theory that Zoroaster, the Israelite prophets, Socrates and Plato, Buddha, and Confucius and Lao Tse all represented and initiated a sea change in human awareness that took place across human civilizations at approximately the same time (and more and more scholars do),[24] it is clear that biblical Judaism and avestan Zoroastrianism are different in kind from Mesopotamian paganism. That Axial Age revolution continues to influence human thought and institutions to this day in ways that Mesopotamian culture, whatever its contributions to human knowledge, does not. It is little wonder, then, that the latter did not influence Israelite and Iranian religion.

That having been said, however, I must add a caveat. Jaspers connected this change with the emergence of these protean figures across the Eurasian continent. But these figures do not represent the same type of change in awareness. In particular, one must stretch the meaning of "transcendence" in order to apply to all these civilizational changes. Confucius and Lao Tse – and Buddha, for that matter – were prophets only in a metaphorical sense, if at all; indeed, the civilizations from which they emerged would not have understood them in the same way that the Israelites understood their prophets, or the Zoroastrians of Achaemenid times (that is, the time of the Young Avesta, not the Gathas) understood Zoroaster. Indeed, in an issue of *Daedalus* devoted to the Axial Age theory, S. C. Humphreys, in an article entitled " 'Transcendence' and Intellectual Roles: The Ancient Greek Case," admitted at the outset that "different substantive orientations [were] determined by the form in which movements toward transcendence appeared in different civilizations.[25] Moreover, using the term "intellectual" in the Durkheimian sense, as "men performing roles in which comprehension ('intelligence') is both means and end,"[26] would seem problematical in most of the other cases. Indeed, W. G. Runciman defines the role of Axial Age figures in a way that – to my mind – captures their roles better than any transcendental aspect. He begins by admitting that

[23] See Stroumsa 2009; he devotes a chapter to this process in late antiquity.

[24] See Jaspers 1965; Eisenstadt 1986; Bellah 2011; and Bellah and Joas 2012. My sincere thanks go to Bridget Martin and Harvard University Press for providing me with an advance copy of Bellah and Joas's important work so that it could be incorporated into this paper.

[25] Humphreys 1975, 91.

[26] Humphreys 1975, 93.

> A comparative sociologist looking across the range of "Axial" societies is likely to be struck more by the differences than by the resemblances between them in this respect [that is, a transcendent ethic – YE]. Common to them all is the emergence of critical reflection on the state of not only the natural but the political world.[27]

For this reason and others, use of the Axial Age theory in this paper refers to a change in cognitive style and human awareness, and not necessarily to divine revelation, though in the case of Zoroaster and the Israelite prophets this would appear to have been the case. This is true even if, as Oktor Skjærvø asserts, Zoroaster himself is a mythical figure.[28] It is the *influence* of this Zoroastrian myth in the Young Avesta of pre-Achaemenid times, or, more precisely, the bundle of outlooks and values that it/he represents that eventually, through Judaism and then Christian and Muslim mediation, took over the world. But Axial Age theory does not require any Zoroastrian "influence"; rather, the theory itself suggests that these cross-civilizational movements, though independent, were in some sense connected.[29]

Both the Bible and the Avesta are united in their rejection of the Babylonian mythological worldview, of which J. J. Finkelstein observed that "the single most significant constant through this entire theological history [of Mesopotamian thought] is that speculation never arrived at the notion of the absolute omnipotence of any single deity."[30] That is, though Young Avestan and Achaemenid Zoroastrianism were polytheistic in a sense – as Skjærvø observes, "Among the entities inhabiting the other world were numerous gods, all endowed with specific roles in the functioning of the ordered cosmos"[31] – nevertheless, these gods were not in conflict with Ohrmazd, or, as we may call him at this time, Ahura Mazdâ.

In contrast, as Finkelstein observes at the opening of his monumental study, "The Ox That Gored":

> The conceptual context of the Mesopotamian statements of these laws is vastly different from that of their biblical counterpart, and that … difference is the most fundamental factor in determining both the inner structure of the laws themselves and the substantive differences in their juridical resolution. The biblical author appropriated a legal theme out of the common ancient Near Eastern heritage, but transposed these

---

[27] Runciman 2012, 323–324.

[28] Koch 2002, 14, referring to Kellens and Skjærvø 2003, 187–188. See n. 39 below.

[29] The question of Zoroaster's date is clearly pertinent, especially since the language of the Gathas is much earlier than the Axial Age. Indeed, in Bellah and Joas 2012, different dates are proposed: W. G. Runciman (2012, 322) makes him "the first of the many optimistic eschatologists in human history," and Jan Assmann (2012, 398) notes that "most scholars" date him to the "second millennium." In the same volume Johann Arnason (2012, 343) notes that two eminent Iranists, Gherardo Gnoli and Shaul Shaked, date him to the tenth or ninth century BCE. We need not rehearse the arguments here, since all of the proposed dates are pre-Achaemenid.

[30] Finkelstein 1981, 9.

[31] Skjærvø 2011b, 345.

> laws into a distinctly different framework and in effect transformed them in the most profound sense even while retaining much of their original form and language. It is my opinion that the system of categorization reflected in the biblical statement of the laws of the goring ox is essentially the same as our own. In other words, the cosmic apprehension of the biblical authors, the way in which the Bible perceives and classifies the world of experience, is in every fundamental respect identical with ours, that is, with that of the civilization we usually describe as "Western."[32]

Zoroastrianism contains many of these elements. Ahura Mazdā/Ohrmazd created the world *and* the gods, and assigned the latter their functions.[33] He was thus the god who commands. He has his gods with him, but so does the biblical deity have his heavenly court. Both, as depicted in texts available to the Achaemenids and their Israelite contemporaries, are creators of the universe, omniscient and omnipotent. In short, theologically speaking, both religions have more in common with each other than either has with ancient polytheism. Though Zoroastrianism's dress is both dualistic[34] and polytheistic in a vestigial way,[35] Ahura Mazdā's role can best be compared to that of the Israelite deity as an omniscient, benevolent creator. For us, the most important aspect of Achaemenid religion is that Ahura Mazdā is without peer, even though he is not without competitor; Angra Manyu/Ahriman, the evil spirit, is certainly not his peer.[36]

As far as we are concerned, then, if Achaemenid Zoroastrianism is to be placed on a continuum with Sumero-Akkadian religion at one end and Israelite religion at the other, there is little doubt that Zoroastrianism and exilic Judaism were much closer to each other than either was to Mesopotamian religion as it existed at that time. One was an ethical monotheism, the other perhaps an ethical dualism. Thus, despite some debate over the exact definitions of "prophet"

---

[32] Finkelstein 1981, 5.

[33] Skjærvø 2011a, 13.

[34] Skjærvø 2011c, 68 n. 55. The latter is a response to Shaked 1994.

[35] Skjærvø 2011b, 350.

[36] Later Zoroastrian texts make clear that Ohrmazd is omnipotent and omniscient, as well as the creator, while Ahriman is neither omnipotent nor omniscient, and is incapable of creation. This does not seem to have been the case in Young Avestan times, and the question of how Ahriman was conceived in Achaemenid times remains open. Skjærvø does, however, note that "in the *Young Avesta* we find … the world was configured by *two* creators, one good and one evil." Again, most often, it is Ahura Mazdâ who is said to have fashioned and set in place the "creations" (*dâman*), but we also have references to the two spirits as setting in place the "creations": "the two spirits established the creations: The Life-giving (*spenta*) Spirit and the Evil one" (*Yasna* 57.17 = *Yasht* 13.76). Skjærvø goes on to say that "the first chapter of the *Vîdevdad* is devoted to a description of how Ahura Mazdâ, as part of his ordering of the world, established the various countries and how, afterward, the Evil Spirit, Angra Mainyu, in opposition, produced illnesses, natural plagues, and evil human behavior." However, the words used for creation are different for each of them: Ahura Mazdā is an expert carpenter, but Angra Mainyu is a *craft-less whittler*. Even when both are spoken of as creators, Ahriman is the inferior. For all this, see Skjærvø 2011c, 61.

and "revelation," or even whether Zoroaster ever existed,[37] we may consider Zoroastrianism and rabbinic Judaism as religions founded on a revelation that included *explicitly divine commands*, and not just divine oracles.[38] Polytheistic myths were essentially irrelevant to the Zoroastrian mindset as manifested in the Young Avesta of the pre-Achaemenid period, though Iranian cognates to the Rg Veda abound in the earlier literature. And again, *the essential point is that Ohrmazd commands; even Ahriman does not issue explicit commands to human beings.* In this respect, it seems to me that Ezekiel Kaufman's reconstruction of the Israelite mindset has something to teach us about that of the Zoroastrian priests.[39] Judaism and Zoroastrianism shared the concept of a deity who is concerned with even the smallest details of his adherent's life (or death); the Babylonians and Sumerians did not.

Since we are primarily concerned with the encounter of these three religious cultures beginning in Achaemenid Mesopotomia, it is the Young Avesta (and Pahlavi texts) that will be the focus of our attention. Thus, in the following sketch of the Young Avestan cognitive style we assume that these texts are representative of Achaemenid Zoroastrianism; for our part, we accept Skjærvø's dating of the *Videvdad* to the first half of the first millennium BCE, that is, before the Achaemenid era. It can thus serve as some indication of (priestly) Zoroastrian thought before and during the Achaemenid period.[40] As we shall see, this will provide valuable insights into why, as Mary Boyce said, there is hardly any Mesopotamian influence on Zoroastrianism.

Though our focus will be on cognitive style, and we will not be examining theological development *per se*, we must note that Mesopotamian civilization was acutely aware of the inscrutability and seeming arbitrariness of the gods and that such an awareness played a major role in making divination as important as it came to be. It is true that Shalom Paul, in his classic study of the Laws of Hammurabi and the CC, concludes that

> a society structured on law was one of Mesopotamia's most important contributions to the advancement of civilization …. Cuneiform law was characterized by several complementary features: the cuneiform script and the legal document; the predominant use of casuistic legal formulations; and a fundamental concept whose premise that "law on earth must be in harmony with cosmic law and order" [E.A. Speiser's phrase – YE]

[37] See Skjærvø 2011c, 76–79.

[38] Nevertheless, note, as Ann Guinan (1989) has pointed out, that the diviners sometimes managed moral reproof, which is an aspect of the prophetic role that Martti Nissinen (2010, 341–351) stresses. In contrast, whatever the original Avestan conception of Zoroaster's role, it is clear that by Achaemenid times, he has become a prophet who reveals the divine legislation; see most recently Skjærvø 2011a, 2.

[39] See Kaufmann 1960.

[40] See Skjærvø 2007, esp. Table I (138) and 112–115.

> accounted for the cultural dynamism and expansion of Mesopotamian civilization throughout the entire ancient Near East.[41]

But this was not the whole story, for the Babylonian view of the universe of which the gods were part was not one of "cosmic law and order," at least not a moral order discernable to humans.

Judaism and Zoroastrianism stood opposed to that view of the universe. The Bible rejects divination (Lev 20:27; Dt 6:16; 18:11), and Zoroastrianism considers it meritorious to execute a sorcerer (*Hērbedestān* 20.2.1), as does the Bible (Ex 22:17). In contrast, the Babylonians were conscious of the dangers of "black magic" not as a moral wrong but as a danger that had to be countered by magical means. Zoroastrianism and Judaism thus introduced a very different view of the world as possessing a moral order guaranteed (to whatever extent) by a creator, a moral order in which magic and divination essentially had no place (with the exception of astrology, which was eventually looked upon as a "science."). This belief insulated adherents of both religions from Mesopotamian polytheism, and we should not be surprised when we do not find Mesopotamian *theological* influence on Judaism's view of the deity (except in rejection) or on Zoroastrianism, as Mary Boyce pointed out (see above).

The concept of the world as a moral order had literary implications as well. For example, the Epic of Gilgamesh, with its essentially pessimistic view of the world order – Gilgamesh is frustrated in his search for eternal life by a snake – was a wild "best seller" in the ancient world, while the "Babylonian Job" – as un-Job-like as he was – was not, at least not to that extent. Moreover, the Babylonian Job does not get a response from the gods, and there is no assertion of a moral order beyond his ken. With the coming of Zoroastrianism and religions influenced by it, that theme resonated much less; the Creator commands, and those who disregard or disobey his commands suffer.

I think that something like this also precluded Babylonian influence on Israelite priests, though the Canaanite practice of animal sacrifice was strongly implanted within the Israelite psyche.[42] Beyond that, however, the sacrificial cult reinforced the Israelite view of the world and of its Creator as a demanding deity whose adherents needed a means of atonement when they fell short. The practice of confession already enters Judaism in the Pentateuch on both an individual and collective level (Lev 5:5 and 16:21, respectively), and eventually takes over (mYom 8). The lack of a clear means of atonement in Babylonian religion, along with the lack of moral order, would have made it particularly unattractive. As for the Young Avesta, note the following, from *Vīdevdad* 3.42, in Skjærvø's translation.

---

[41] Paul 1970, 99.

[42] Maimonides' accomodationist view of biblical sacrifice has been spectacularly vindicated by the discoveries at Ras Shamra/Ugarit; see van der Toorn 2000 and Elman 2011.

> Just like that, O Spitama Zarathustra, does the Daênâ[43] of those who sacrifice to Ahura Mazdâ wipe off the Orderly man's every bad thought, every bad word, every bad deed, like the strongly speeding wind would wipe clear from the right the firmament.
>
> (When) here, O Zarathustra, a good deed well performed (is) being performed, the good Daênâ of those who sacrifice to Ahura Mazdâ cuts off the penalty of an adult.

However, our goal is not to present a theological history of Mesopotamian religions, but rather to find a measuring rod that can encompass Sumero-Akkadian, Zoroastrian, and Israelite/Jewish elite ways of thought. I suggest that an examination of that part of Mesopotamian culture which figures most prominently in the Pentateuch – law as presented in the CC and its various amendments in Deuteronomy – is a good starting point, and it is to that topic that we now turn. As we shall see, certain characteristics of the CC may be found in the Avestan *Videvdad* as well, thus allowing us to complete our triangular portrait.

II. *Listenwissenschaft* and Its Lessons

In Neo-Babylonian times – early exilic times – Mesopotamian scribes certainly had LH (= the Laws of Hammurabi, 1750 BCE) at their disposal, if not earlier law collections such as the Laws of Ešnunna (LE, 1770 BCE), the Laws of Lipit Ištar (LI, 1930 BCE) or the Sumerian Laws (c. 2100 BCE). We noted above that Westbrook viewed these collections as samples of Mesopotamian scribal science, similar to omen and medical texts. While not disagreeing with Kraus on his major thesis, Raymond Westbrook called Kraus's "pure science" assumption into question and suggested that there was a practical aspect to this activity.

In Westbrook's estimation, scribal motives were practical, and the reason we do not find – as we do in the case of omen literature – records of scribal advice to the king is that while the king had to call on his diviners either when he was considering some course of action or when an ominous event occurred, he was himself hardly ever directly involved in a legal case.[44] However, for our purposes, there is little difference between the two views of Kraus and Westbrook, since both of them view the law collections as *reflecting scribal methods*, and so, whatever the practical use to which these corpora were put (or not), they reveal something of that intellectual style that we seek.

Westbrook, following Kraus, then goes on to compare the style and method of the Mesopotamian birth-omen series *Šumma izbu* with LH.

---

[43] One of the three souls of a human, which "allows man to 'see' in the world of thought, but she also … in the form of a woman represent[s] the totality of a person's thoughts, words, and deeds in life, which determines how she looks and for which the soul is judged in the beyond." Skjærvø 2011a, 31.

[44] Westbrook 2009, 11.

> The nature and purpose of the central legal corpus is the subject of the theory proposed by F. R. Kraus in respect of Codex Hammurabi. Kraus begins with Hammurabi's own definition of his laws: *dīnāt mīšarim*, which he translates *gerechte Richtersprüche* (just judicial decisions). The legal corpus is therefore *prima facie* a list of the king's decisions in his capacity as a judge. Closer examination, however, reveals that by no means all the "judgments" recorded in the code are real. They are organized in groups wherein a single case is expanded by logical extrapolation, i. e., various theoretical alternatives are considered and the appropriate solution given by a priori reasoning. For example, paragraphs 229–231 read:
>
> > 229 If a mason builds a house for a man and does not reinforce his work and the house that he built collapses and kills the owner of the house, that mason shall be killed.
> > 230 If it kills a child of the householder, they shall kill a child of that mason.
> > 231 If it kills a slave of the householder, he shall give slave for slave to the householder.
>
> Similar gradation of penalties occurs elsewhere in the code, in paragraphs 209–211, for example. We are therefore in the presence of a type of academic method. Now, this same method is found in a seemingly unrelated group of texts – the omen collections. For example, in the omen series *šumma izbu* a typical sequence is:
>
> > 5. If a woman gives birth, and the right ear (of the child) is (abnormally) small, the house of the man will be scattered.
> > 6. If a woman gives birth, and the left ear (of the child) is (abnormally) small, the house of the man will expand.
> > 7. If a woman gives birth, and both ears (of the child) are (abnormally) small, the house of the man will become poor.

The connection, according to Westbrook, is that the law codes and omen collections are both representatives of a particular type of literature, namely scientific treatises. Divination was regarded as a science by the Mesopotamians and the compiling of omens the equivalent of scientific research. By the same token, the casuistic style in which both texts are couched was the "scientific" style *par excellence* – transferring the concrete individual case to the sphere of the impersonal rule.

This scientific activity is the work of the scribes and takes place in the scribal schools. Codex Hammurabi itself exists in the form of school copies already in the Old Babylonian period. It borrows extensively, often verbatim, from the text of the earlier codes of Ur-Namma and Lipit-Ishtar (as one would expect if it were a literary genre), which in turn exist in the form of Old Babylonian school copies. Likewise, both extant copies of Codex Eshnunna are school texts. In Kraus's view, therefore, it is Hammurabi the scribe rather than the judge who is represented by the legal corpus of his code. It is a work of theoretical literature designed to illustrate his wisdom – "wise" (*emqum*) being a typical epithet of the scribe.[45]

[45] Westbrook 2009, 7–8.

In other words, the typical form that Mesopotamian scribal thought took is what has come to be called *Listenwissenschaft*. However, our omen collections go far beyond the king's needs and have a momentum of their own. Spinning out new omen possibilities was a growth industry in scribal circles, while legal hypothesizing was not. And we might point to the rabbis, who served no king with their halakhic hypothesizing, but brought that art to a high level of perfection. There is a striking difference between the omen collections and the legal ones. The scribes were highly interested in the former, but not in the latter. The result is that the divinatory series not only are more numerous, longer, and more elaborate than the legal collections, but they were supplied with commentaries, while the legal collections, including legal texts, were not. As Eckart Frahm recently noted in his exhaustive survey of Babylonian commentary texts,

> An important difference … between Mesopotamian and Jewish interpretation is that the latter, with its focus on the normative dimensions of law and the formative dimensions of history, addresses questions of a far more "existential character" than those dealt with in Mesopotamian hermeneutics, whose main goal was to arrive at a better understanding of omens, medicine, and other learned technical disciplines.[46]

The reason for this is of course to be found in A. Leo Oppenheim's observation that Mesopotamian religion simply did not demand much of its adherents.[47] "Religion's claims on the private individual were extremely limited in Mesopotamia."[48] Mesopotamian religion had developed long before Karl Jasper's Axial Age revolution fundamentally changed humanity's view of itself and of its deities. As Bernard Levinson put it recently, "Israelite scribes introduced into the ancient world a new idea: the divine revelation of law. Accordingly, it was not the legal collection as a literary genre but the voicing of publicly revealed law as the personal will of God that was unique to ancient Israel."[49] A similar claim may be made for Zoroastrianism. The Mesopotamian scribes were – and remained – on the far side of that historical watershed.

We may thus understand another observation that Frahm makes:

> The closest resemblance between Babylonian hermeneutical techniques and rules of interpretation listed in rabbinical works can be found, not in Hillel's catalogue of exegetical tools, but in a later list of thirty-two rules of interpretation ascribed to Rabbi

---

[46] Frahm 2011, 381. I thank Prof. Frahm for generously sending me a copy of his book before its publication. Uri Gabbay notes that W. G. Lambert published a commentary to the Laws of Hammurabi in 1989; see Frahm 2011, 242. But, as he himself notes, this hardly changes the general picture.

[47] This essential distinction must be borne in mind when considering David Wright's thesis in regard to Hammurabi's laws and the biblical Book of the Covenant. Hammurabi's laws were a civil collection, while the Book of the Covenant was/is *scripture*. See Wright 2009.

[48] Oppenheim 1977, 181.

[49] Levinson 2008, 27.

> Eliezer. This list includes paronomasia, *gematria*, and *notarikon*, hermeneutical techniques whose application is well attested in Babylonian and Assyrian commentaries. But other rules in the list display again a degree of abstraction that seems rather alien to Mesopotamian scholarship.[50]

Each of these observations deserves a lot more discussion and elaboration than we have space for, so I will for now content myself with perhaps even less than the bare minimum. First of all, there is the question of what "explanation" entails. The Babylonian commentaries deal with philological problems: rare words or logograms and so forth, what Frahm calls "etymology and etymography." Occasionally we have a huge collection of such interpretations, as in the justly famous "midrash" in the seventh tablet of *Enūma eliš*, the Babylonian/Assyrian Creation Epic, which contains "midrashic" etymologies and etymographies on the Fifty Names of Marduk. Still, as Ulla Koch Westenholz noted in the introduction to her edition of tablet 1 of the Babylonian commentary series, *Šumma Sîn ina tāmartīšu*, we are only very occasionally given "general principles."[51] What we do *not* seem to have are broader inquiries. And as Dominique Charpin noted recently in discussing Berossos, the Babylonian scribes of the first millennium BCE considered all knowledge to have been revealed before the flood, and so "since that time nothing further has been discovered."[52] This is in distinct contrast to the view of the Sasanian rabbis and *dastwar*s, who, though they may have considered their scriptures the repository of all knowledge, nevertheless made inquiries of a much broader scope than we ever find in Sumero-Akkadian scribal culture.

Still, the diviners were not simply passive recipients of primordial knowledge. As Frahm notes, they reinterpreted – I might add, allegorically – protases that were counterfactual. This suggests that there was a hierarchy of knowledge, and that empirical observations were preferred. The divine text in the heavens was to be read as it occurred, not as theory suggested. However, when the traditional literature contained contradictions, diviners apparently felt free to choose either possibility, without attempting to reconcile them, as Koch-Westenholz points out in her book on the Babylonian practice of astrology.[53]

And so, as far as Mesopotamian *Wissenschaft* as a whole is concerned, it had not generated the abstract categories of concepts such as pollution, purity, prohibited substance, and the like, and the Greek concern for exact definition had not taken hold, even though most ceremonies did require pure (*ellu*) substances.

Moreover, the degree of abstraction found in rabbinic hermeneutics (and other post-Hellenistic cultures) was foreign to Mesopotamian scholarship.

---

[50] Frahm 2011, 380.
[51] Koch-Westenholz 1999, 150.
[52] Charpin 2010, 248–249.
[53] Koch-Westenholz 1995, 107–108.

However, as we shall see, the roots of this analytical turn of mind *preceded* Alexander's conquests and the powerful influence of Hellenism that came in their wake. In the following discussion we will examine Sumero-Akkadian *Listenwissenschaft* in the light of modern modes of thought in order to better understand the gulf between that and the more analytical modes found in younger civilizations.

To take an example at random, tablet 37 of the omen series *Šumma ālu* provides us with no fewer than 163 omens regarding ants that are found in a house or on the street. Of course, this is an example of Babylonian *Listenwissenschaft*. But it can be read as a series of hypotheticals, as Francesca Rochberg suggests in another context; that is, they become "abstractions resting upon empirical as well as theoretical foundations."[54] Thus: "If there are ants in the entryway of a city gate – interruption of access" (line 1). While Rochberg's suggestion is attractive, we must wonder why the scribes had to continue to propose still more hypotheticals *ad nauseum*. What if there are *numerous* such ants (line 2), or black ants (line 3), or a westerly or easterly path? And so on. And then tablet 38 goes on to moths.[55]

Moreover, Mesopotamian *Listenwissenschaft* and the disinclination to generalize went far beyond any possibility of examining hypothetical cases in any useful way, because often these cases all ended with the same result. Thus, in the second tablet of the incantation series *Šurpu*, the incantation is listed as effective in the following cases: when someone estranged son from father, father from son, daughter from mother, mother from daughter, daughter-in-law from mother-in-law, mother-in-law from daughter-in-law, brother from brother, friend from friend, or companion from companion (lines 20–28); or when someone scorned his god, goddess, father, elder brother, parents, or elder sister (lines 33–36).[56] Now, in part this is a literary tradition, reflecting the age-old Semitic preference for parallelism, but in these essentially nonpoetic contexts, it betrays a mindset, an inclination to pile on detail for its own sake, and an inclination that was facilitated by the scribal art, even though parallelism has its origins in oral recitation. Still, there is a fundamental difference between incantation texts and omen texts; while omen texts are formulated casuistically – if P, then Q, as Francesca Rochberg put it – incantation texts all have the same Q, namely, "use this incantation," and so the scribe wishes to cast his net for Ps as wide as possible.[57] Despite this "sales consideration," one may wonder at the attention to detail and the disinclination to include wider groupings by using even so minimal a rubric (in the cases given above) as "relatives" or "figures of authority."

---

[54] Rochberg 1999, esp. 566.
[55] These examples are taken from Freedman 2006, 245, 275.
[56] See Reiner 1958, 13, 14.
[57] Rochberg 2010, 19, 20.

The contrast between this expansive tendency in omen literature, the scribal science *par excellence*, with the *lack* of elaboration in legal texts – in which scribes, though necessary, were not dominant – is illuminating. The scribes do not inquire as to why moths are different from ants, and so on, or in what way scorning a god is different from scorning a parent or an elder brother; questions of this type are indeed examined in the Bavli. And nowhere in ancient literature do we get the freewheeling, unrelenting questioning, and the rabbis' penchant for second-order analysis, where a text is compared to more authoritative texts from which it diverges. On very rare occasions the Babylonian commentaries deal with counterfactual entries in a series, and this represents second-order analysis of a sort. But this is very rare.

When contrasting Mesopotamian *Listenwissenschaft* with the more analytic rabbinic and Zoroastrian jurisprudence (see below), we must bear in mind that, as Niek Veldhuis has remarked, and Jean Bottéro has demonstrated in detail, the famous "midrash" on Marduk's names in the seventh tablet of *Enūma eliš* is inconceivable in anything but written form.[58] The oral nature of rabbinic and Zoroastrian learning may have imposed a certain discipline, a limitation on piling on of examples. While oral transmission influenced the organization of the text transmitted, it did not necessarily influence its cognitive style, as we shall show.[59] At any rate, as Raymond Westbrook argued:

> Intellectual expression was dominated by Mesopotamian "science," a form of logic severely handicapped by inability to define terms, create general categories, or reason vertically from the general to the particular. A legal system cannot be more advanced than its social and intellectual environment: the social environment was hostile to change, while the intellectual environment lacked the tools to give legal expression to anything more than superficial reforms.
>
> Beginning in the seventh century, the intellectual revolution documented in the Greek sources led to sweeping changes in the way that law was conceived and ultimately provided it with the intellectual tools for reforms to match the radical changes in social and political structures. The system that emerged remains the norm for us today. Its Near Eastern predecessor, on the other hand, was already a mature system when it first becomes accessible to us in Sumerian sources of the third millennium. The intellectual revolution that produced it lies further back in time, at a turning-point about which we can only speculate, whether it was the smelting of bronze, urbanization, or even the agricultural revolution. The common legal culture of the ancient Near East would not, then, have provided a framework for legal development in the Covenant Code.
>
> The later biblical codes – the Deuteronomic and Priestly codes – share something of the intellectual ferment of Greek sources and thus some taste also of their new legal conceptions. The Covenant Code, on the other hand, although it cannot be dated with any confidence, looks back to the cuneiform codes of the second and third millennia.

[58] Veldhuis 2003, 21.

[59] In this I depart from Walter J. Ong's view of orality as enunciated in his classic *Orality and Literacy* (Ong 1982, 81–83). But the Achaemenid period was not one during which the Iranians or the Israelites had no notion of writing.

> It is in the light of that long and stable tradition that the two remaining premises as to its form and composition are to be judged.[60]

In at least one instance Westbrook admits some attempt at generalization on the part of Assyrian scribes.

> The Assyrian system of the seventh century B.C.E. represents the ultimate refinement of Mesopotamian science. Although in its final stages it drew close to the creation of analytical categories, it failed to attain them and thus failed to provide the basis for analytical jurisprudence. From the Mediterranean littoral [i.e., Israel], on the other hand, new ideas were emerging that gave exciting possibilities for the development of law.[61]

Westbrook's use of Kraus's insight is of particular moment in our attempt at a cognitive history of Mesopotamia: the rabbinic transformation of Israelite *Listenwissenschaft* by means of abstract analysis allows us to discern the survival of that ancient trope in rabbinic literature not only in the Mishnah, but, as we shall see, in the Bavli as well.

We must bear in mind that for the ancient scribes, there was no essential difference between "religious" and "secular" knowledge. Legal collections were not less important because they were not "religious," nor were omen collections more important because they were, though it is true that Ea was credited with providing such knowledge to humanity. That "revelation" was important not because it was the expression of the divine will, but because Ea was privy to the secrets of the universe; the tablets of destiny bound him as well as they did humanity.

But commentaries were not composed for the legal texts, except for the one noted above – out of more than 899 tablets known to date. The primary function of commentaries was to explain omen texts, as Frahm observes.

> The commentaries have two main purposes. One is to explain difficult words and expressions from the base text with the help of synonyms and paraphrases. The other, more interesting purpose is to re-interpret references to celestial bodies that are described in the series in vague or mythological terms, or are said to move in ways … that are impossible from an astronomical point of view.[62]

In other words, even in the abstruse world of divination reality eventually obtruded – but not in connection with the legal collections!

Let me quote Westbrook again: "[These cases] are organized in groups wherein a single case is expanded by logical extrapolation, i.e., various theoretical alternatives are considered and the appropriate solution given by *a priori* reasoning." What is this *a priori* reasoning? It is made up of two elements: an assumption of cause and effect, and an extrapolation by *analogy*. And the analogies at times reveal a substratum of assumed categories from which *a priori* conclu-

---

[60] Westbrook 2009, 109–110.
[61] Westbrook 2009, 127.
[62] Frahm 2011, 131.

sions can be drawn; in other words, drawing an analogy involves abstracting common characteristics between two cases in order to compare, certainly a step towards analytical reasoning. We may add: that step was never taken in Sumero-Akkadian *Wissenschaft*.

III. Analogy as a Legal Trope

In commenting on Mesopotamian law, Raymond Westbook observed that "two features of classical and modern law codes are notable for their absence: division into abstract legal categories and legal definitions."[63]

> Modern scientific method, derived from Greek philosophy, is a vertical system. The material is first organized into general abstract categories, the terminology of these categories defined so that it can at once be seen what material is included and what excluded, then the general categories broken down into successively smaller categories, with appropriate definition of the terminology, until the individual case is reached.
>
> All this was beyond the reach of Mesopotamian science. It was incapable of creating abstract categories or of defining terms. Consequently it was forced to proceed horizontally, to present concrete examples of the topic under discussion, and to exhaust that topic by the accumulation of ever more examples pertaining to different facets thereof. The result is an extremely fragmentary picture, since an infinite number of examples would be necessary to cover the whole of any given topic ….
>
> The starting point was a judgment in an individual case. Preferably a borderline case was taken, since the law in the ordinary case could also be derived from it by implication. For example, in a discussion of rape, a case involving a girl who was betrothed but not married would theoretically inform one also of the position of a fully married woman. The facts and the judgment were then re-cast in the anonymous, objective form of the casuistic sentence that, as we have seen, is the hallmark of the Mesopotamian scientific style: "If a man rapes a betrothed woman, his punishment is Y."[64]

While Westbrook notes the cuneiform tendency to elaborate by analogy, these analogies are not made explicit, again reflecting the Babylonian scribal reluctance to record the reasoning behind their apodoses. It is important to note, however, that the Bible and Avesta are not so reticent, as Fishbane demonstrates for the former, and we will show for the latter.

> Taken as a whole, the foregoing types of legal exegesis [as manifest in comparisons between the CC and Deuteronomy, for example – YE] reflect normal processes of lawyerly handling of the laws: a concern for the content of the laws for real or anticipated deficiencies; a concern for contradictions among the inherited cases; a concern with making the law comprehensive and integrated; and a concern with making the law workable and practicable.[65]

---

[63] Westbrook 2009, 33.
[64] Westbrook 2009, 39–40.
[65] Fishbane 1985, 164.

Of particular interest (for our purposes), Fishbane notes "a developing legal scholasticism" during the preexilic period, which studied the

> received laws independently of practical cases, compared them to one another, and even resolved the inevitable lacunae and contradictions. This professional study of legal sources would have grown up while Israel lived on its own land, with its own legal and paralegal institutions; and would have developed considerably during the exilic period, when the Judaeans lived in an alien legal environment with only their legal traditions as an "institution" by means of which they could establish or maintain some measure of autonomy.[66]

Later, when speaking of the relative paucity of data touching on this process, Fishbane compares the pentateuchal codes in this respect with the collections of cuneiform laws.

> But these limitations in the received record of the Hebrew Bible should not obscure the remarkable wealth of data which can be ferreted out. By contrast, despite the superabundance of legal materials from ancient Mesopotamia – such that enthusiasts have exulted with the proclamation *ex oriente lex!* – we are left almost totally in the dark as to how ancient Mesopotamian legists and jurists interpreted their cases. Rarely does a trial docket indicate how a known statute was handled or interpreted; and rarely, too, are the interpretations of these circles incorporated into the major legal collections.[67]

The best example Fishbane finds is LH 59, as compared to the earlier LI 10. He notes

> the attempt to make the earlier material more explicit [by] the addition of a clause which deliberately removes any ambiguity in the interpretation of the case. Thus, whereas LI 10 flatly states: "If a man cut down a tree in the garden of [another] man, he shall pay half a mina of silver," LH 59 records: "If a man cut down a tree in a man's plantation without [the knowledge of] the owner of the plantation, he shall pay half a *maneh* of silver." Since it is quite unlikely that LI 10 was understood to mean that a penalty was imposed even when the owner agreed to the cutting down of his tree, the draftsman of LH 59 has simply made what was implicit in LI fully explicit in this version. Indeed, one might add that LH 59 has preserved and recorded the oral tradition of ancient Mesopotamian logistic circles. Such an outcropping on the barren surface of the preserved evidence betokens, as do its cogeners, the rich vein of legal exegesis which sustained ancient Mesopotamian law.[68]

We may wonder why the Mesopotamian scribes did not preserve this legal reasoning, but it is certainly clear that a legal system as sophisticated and differentiated as cuneiform law was cannot have functioned without such intellectual

---

[66] Fishbane 1985, 165.

[67] Fishbane 1985, 233.

[68] Fishbane 1985, 233–234. Of course, even a divine text must be understandable to its recipients, and so the forms of analysis found in the Pentateuch will reflect Israelite patterns of thought.

effort. But it is clear, as we have stressed, that the scribes exerted far more effort in developing the omen tradition than they expended on the legal one.

Returning to the Bible, Fishbane gives a number of examples of various types of exegetical tropes that made their way into the biblical text; here we will note an "analogical exegesis" by means of "concrete cases." One example of this is Dt 22:25–27, where in

> v. 26, an analogy to the basic case dealing with a woman who has been forcibly raped in the field is interpolated from the rules of accidental homicide in Deut. 19:4–6. The force of the analogy is to correlate features of the two cases so as more fully to perceive their common structure dynamics. Like the victim of homicide who is forcibly overcome in a premeditated hostile act, a woman raped in the field is also a victim of force and premeditated hostility.[69]

However, it must be admitted that, while the analogy is clear, the guiltlessness of the homicide victim is not set out clearly in the Pentateuch; as the rabbis note: "Behold, this comes to teach but [rather] (the analogy to murder) is [itself] illuminated" (bSan 73a). Moreover, no generally applicable principle is stated, either in connection with either one of these cases or any other. The rabbinic principle of "if he came to kill you, kill him first" (bSan 72a), though based on Ex 22:1, is not clearly expressed in the Pentateuch. But CC clearly differentiates manslaughter from murder in Ex 21:13, while, despite David Wright's efforts, LH lacks an explicit statement of this sort.[70]

The force of an analogy as a legal argument appears on rare occasions in the cuneiform corpus. In LH 7 a man who purchases goods without a contract or witnesses is deemed a thief (*awīlum šû šarrāq* – "that man is a thief").[71] But that phrase does not appear in other cases where it might be expected. Thus, in LH 113, which stipulates that if a man "takes grain from the granary or the threshing floor without obtaining permission from the owner of the grain, they shall charge and convict that man of taking grain from the granary or the threshing floor without the permission of the owner," there is no mention of theft *per se.* Indeed, as G.R. Driver and John C. Miles point out in their legal commentary on the laws, nowhere in the laws is the simple case of theft dealt with, nor is it clear why LH 7 involved the death penalty. They suggest that the crime was not simple theft, but receiving stolen goods; but, as they note at the outset, the arrangement of LH 6–14 is "at first sight almost chaotic."[72]

The same is true of LH 112, 120, or 265, all of which could be considered cases of theft. The reason would seem to be that the drafters of these collections were not working with the relatively abstract category of "theft." If Driver

[69] Fishbane 1985, 249.
[70] Wright 2009, 158.
[71] Roth 1995, 82.
[72] Driver and Milers 1968, 1:80.

and Miles are correct, and LH 7 deals with the acceptance of stolen goods (a "fence"?), the reference to a thief would then indicate that a fence is equivalent to a thief, since he encourages thievery. But all the cases I just enumerated are not yet subsumed under that category. As Westbrook notes, "The limitations of Mesopotamian science are well known. It was incapable of experiment or of formulating abstract categories. These limitations had their effect also in the sphere of law."[73]

Again, it is not clear why the penalty is death in LH 7, while in other cases it is merely monetary. Even more jarring is the contradiction between LH 7 and LH 123, where property is given over for safekeeping "without witnesses or a written contract" (*balum šībī u riksātim*), and yet the verdict is that "that case has no basis for a claim" (*dīnum šû rugummâm ul išu*). While it is clear that without witnesses or a contract there would be no basis for a claim, why is this different from LH 7? It could be argued that the owner had some identifying mark on the property taken in LH 7 but not in LH 123, but this should have been stated. And yet, though the laws of Hammurabi were copied and recopied for a thousand years and enjoyed high prestige, we have no discussion of the contradictions in the text, nor any commentary to the laws, in a scribal culture that has left us almost nine hundred commentary tablets. Clearly, unlike theology and divination, law was not considered the province of the elite scribal class.

Still, the reference to a thief in connection with a related case indicates some sort of legal reasoning, at least an inchoate concept of theft to which individual cases might be compared. In similar fashion, in the Avestan (and thus pre-Achaemenid) *Videvdad* 5.39–40, an analogy is made, though in a positive sense. The text that follows was presumably current in the Achaemenid period.

V 5.39
O Orderly creator …
These houses that we assemble, O Ahura Mazdâ, sustainer of Order,
in this Life with bones,
and fire, *barsom*, cups, *haomas*, and mortars,
and then a dog or a man of this house dies,
how should these Mazdayasnians behave?

V 5.40
Then Ahura Mazdâ said:
Let them carry out of these houses, O Spitama Zarathustra,
the fire, *barsom*, cups, *haomas*, and mortars,
Let them carry out from it the dead,
like when a lawful man carries and eats according to the law.[74]

[73] Westbrook 2009, 91.
[74] Translations of Avestan in this paper have been provided by Prods Oktor Skjærvø.

In contrast, section 55 in the Middle Assyrian Laws (MAL), which deals with a case of rape in similar terms as the Bible (i. e., the rapist must marry her if the father agrees, he may not divorce her, he pays "triple" silver for her, and so on),[75] has no clause similar to the biblical reference to homicide in its verses on rape, or the Avestan reference to legal consumption. Perhaps more to the point, I cannot find a *single example* of a case that contains a reference to another case within the corpus of cuneiform law, conveniently assembled for us by Martha Roth.[76]

In Middle Persian texts this cross-referencing expanded, and references are made to standard cases that are unfortunately obscure to us. Thus, in *Hērbedestān* 9.8, Weh-Dōst refers to the case of a shepherd dog: "And it is somewhat different from a case of *pasušhorw*, when it must be ascertained on the cow."[77] There are more such cases in the fifth-century CE Pahlavi *Vīdevdad*; the word *čiyōn*, "like, as for example," appears 133 times in the first ten chapters of this work.[78] But the beginning is in the Avesta itself. Eventually these references to standard (?) cases led to the creation of legal categories and rules of adjudication.

Thus, though drawing analogies is certainly part of the process by which judgments of individual cases are drawn into a more comprehensive legal framework, it marks only the beginning. Westbrook has laid out a five-step process by which an individual omen or legal judgment eventually becomes part of an omen series or law collection, and characterizes his system as one that "will have a familiar ring to lawyers, for it accurately reflects the development of general legal rules from individual cases in legal systems where judge-made law predominates. The only difference is that in the modern systems the process of generalization consists of creating abstract principles of law rather than variants of the precedent."[79] The latter of course refers to *Listenwissenschaft* as practiced by Mesopotamian scribes.

This brief survey of the legal activities of these three legal traditions is particularly significant when we consider that all of our examples – except those from Middle Persian texts – date from well before the advent of Hellenism with the coming of Alexander the Great. Nevertheless, Fishbane's observation of the paucity of records of legal reasoning in cuneiform law coheres with Frahm's observations and the lack of Babylonian or Assyrian commentaries on legal texts. Mesopotamian scribal activity seems to have been concentrated on writing contracts and such, rather than more lawyerly pursuits. Since there were scribal

---

[75] See Roth 1995, 174–175. See also Westbrook's comment (2009, 33 and n. 50) regarding MAL.

[76] Roth 1995.

[77] This reading is based on Oktor Skjærvø's preliminary edition; see also Kotwal and Kreyenbroek 1992, 54–55. They read: "(rule of) 'the shepherd's dog,' i. e., that he should make sure with his (own) body" (*az pasušhorw ... kū *ōy tan ē be kunišn*).

[78] Pointing to an example also implies making an analogy, but many of these are cases of analogies, pure and simple.

[79] Westbrook 2009, 15.

specialists of all sorts when it came to divination and the like, and thousands of records of their activities survive, the lack of records of legal discourse must be ascribed to the relative lack of importance given to this activity in ancient Mesopotamian culture, as contrasted to its importance in the two scriptural religions. This is not to deny that Mesopotamia had – certainly by Neo-Babylonian times – a highly developed legal system: Shalom Holtz has recently documented six or more types of summonses to court based on the differing obligations, to take one example.[80] It is probable that the personnel of the court had a sophisticated notion of what they were about. But it also undeniable that we have no records of such deliberations in a society that was so record-obsessed. It is true, as W. G. Lambert observed long ago, in comparing the catalogue of texts and authors that he had published to modern literary writing, that "modern writers expose every detail of their materials and reasoning, while the Babylonian author gives results only. Yet this feature is characteristic of Babylonian science generally. Basic materials and facts are normally put down without explanation …. No doubt teachers supplied orally what needed to be known for such compilations to be meaningful."[81] However, though Babylonian *Listenwissenschaft* has enabled modern scholars to work out the guiding principles of many of these lists, it is still significant that we do not find even sporadic generalizations or abstractions – even in omen literature. As Møgens Trolle Larsen puts it in regard to the *mutābiltu* chapter of the *barûtu* series, which consists of correspondences between features of the organ and the prediction of the omen, a late beginning of a type of abstract generalization,

> As far as I am aware this text provides the first example of generalization in the Mesopotamian corpus of divination texts, where abstractly defined relationships are established between sets of concepts …. It should be noted, however, that this hesitant step was taken within a purely casuistic context, which is characterized by the traditional practice of providing endless lists of examples. Furthermore, this particular step could never lead anywhere, for there is no logical basis for the relationships which are postulated …. However, the casuistic principle governed even in such a branch of knowledge as mathematics: axioms or laws are absent, and instead we find lists of examples which are designed to illustrate certain types of relationships.[82]

Moreover, even that obsessive attention to detail characteristic of Mesopotamian *Listenwissenschaft* does not seem to have been applied to legal matters as it was to divination and incantations.[83]

---

[80] Holtz 2009, 117–195, 197–217.

[81] Lambert 1962, 59b.

[82] For example, see Larsen 1987; quotation from 215–216. See also Brack-Bernsen 2010 and several of the essays in Annus 2010, including Rochberg 2010.

[83] Barry Eichler has made an ingenous attempt to the interpret the juxtapositions of cases in the cuneiform legal collections (and their biblical cogeners) as implying principles "between the lines." See Eichler 1987, 2008, 2009. But the fact again remains that the scribes themselves

Nevertheless, that Mesopotamian mentality does appear in the stylistic traits of cuneiform law, some of which may be seen in the CC, though, as David Wright has pointed out, the CC improves on LH's language, as well as eliminating much of cuneiform law's class-based legislation and mutilatory and vicarious punishments, matters which others have already pointed out.[84] However, to follow his close analysis of the CC and the parallel laws of LH and other cuneiform law collections will take us too far afield. Let me rather quote from Wright's conclusion.

> The practical and ideological improvements [of CC] to LH indicate that CC sought to write law that was *better* than its source or sources. Here I am not making the questionable and apologetic claim that CC's laws are theologically and ethically better than those of LH. There is much to resist in CC from the point of view of a modern ethical critique, and certainly the later dependent works of Deuteronomy and the Holiness Legislation found difficulties in CC that they sought to resolve, though they themselves created further dilemmas for principled readers. Rather, I am suggesting as an historical observation that from its compositional perspective, CC revised LH and other cuneiform law with a goal of producing a corpus that was more coherent legislatively by solving problems and questions in its sources. The later text of Deuteronomy 4:8, speaking of the laws of Deuteronomy, reflects nationalistic pride in Israelite and Judean legislation when it says: "What great nation has just prescriptions and laws like all of this instruction which I am placing before you today?" [M.] Weinfield and [V.A.] Hurowitz have suggested that this may reflect knowledge of foreign law collections such as LH. This is a reasonable conclusion in view of what can now be said about the sources of biblical law.[85]

I might add only that whatever the "nationalistic pride" evidenced by the verse in Deuteronomy, the ethical changes in the CC vis-à-vis the cuneiform laws have been accepted by most of the human race, if only through intermediaries, even secular ones; certainly the insistence on the rule of law, to which at least lip service is paid throughout the civilized world, has biblical orgins.

Before leaving this passage, it is worth noting another observation of Geller, which has been rightly stressed by Robert Bellah in his recent book on the Axial Age. In commenting on Dt 4:5–8, Bellah points out that the passage "makes an extraordinary claim for the text of which it is part."[86] The passage "establishes a new form of religion in which the text itself is raised to the level of God Himself, in a sense is God."[87] And thus, as Bellah goes on to say, "a religion of the text is a portable religion."[88] Judaism is thus a religion of the individual and the community, even without a land and a temple.

---

do not seem to have developed the form of presentation to include new cases, abstractions or generalizations.

[84] See Greenberg 1960.

[85] Wright 2009, 351. For Moshe Weinfeld, see Weinfeld 1972, 150–151, and for Victor Avigdor Hurowitz, see Hurowitz 2005, 517–518.

[86] Bellah 2011, 314.

[87] Geller 1997, 50.

[88] Bellah 2011, 51.

Nevertheless, I must admit that it is difficult to accept a reconstruction of Mesopotamian mentality as incapable of analogy and generalization, two abilities that speak to the very essence of humanity's progress; indeed, paleontologists have dated the emergence of "analogical reasoning" at least to the time of the Hohlenstein-Stadel figurine, a mammoth-ivory figurine which merges a lion and a person, and which is dated to at least 32,000 years ago.[89] Indeed, the earlier humans, who moved out of their East African origins, as other primates did not, and adapted to new environments, must have been capable of both classificatory and analogical thinking. New fruits, nuts, and berries were assimilated to the old category of "edible substances" – thus not only classification and analogy, but also abstraction, must have come in as well, since some of the new vegetation was not good/tasty/edible/nonpoisonous. There is no doubt that the Sumerians and Akkadians employed such modes of analysis, albeit not in a formal way, in everyday life.

Beyond that, there is the evidence of Mesopotamian poetry. Indeed, on tablet I of the Epic of Gilgamesh, the poet echoes the analogical reasoning of the Hohlenstein-Stadel figure in describing Gilgamesh thus: "two-thirds of him is god, but a third of him human."[90] Or later on, in line 65: "He has not any equal."[91] Indeed, in lines 106–107 (according to George's edition), describing the creation of Enkidu, Gilgamesh's nemesis and friend, the poet says: "He is endowed with head hair like a woman / The locks of his hair sprout like Nisaba [goddess of grain]."[92]

I would suggest instead that this was a characteristic of Mesopotamian scribal "scientific" thinking. Scribal culture, in the manner of later elite cultures, had perhaps convinced itself that analogies and generalization were hazardous modes of analysis for the proper understanding of the world, and that "getting the facts right" was more important. There is a certain humility and self-abnegation here; though analogies would seem to underlie the connection between the omen and its apodosis, it is as though the scribe was denying any authorship of it; it was the gods who spoke. Hammurabi as lawgiver was appointed by Shamash to do justice, but here too there is a certain reluctance to go beyond establishing some norms. There was no will to create a code out of a collection of laws; indeed, the coming of the Axial Age itself only prepared the way for the creation of such willed codes much later. But the beginning of the process can be seen in the use of analogy in both connecting existing laws and projecting new ones.

The Mesopotamian rejection of written analogies and generalizations thus allows us to see just what the Axial Age, with its self-referentiality and second-

[89] See, for example, Coolidge and Wynn 2009, 231–232; for more evidence, see Walter 2013, 144–147.

[90] See now George 2003, 1:540–541, line 48.

[91] George 2003, 1:542–543.

[92] George 2003, 1:544–545.

order thinking, as well as its eventual focus on the powers of the individual (beyond the ruler), would bring – and why. Second-order thinking allowed the Israelites to recognize an absolute standard of judgment to which laws and practices could be compared, a standard that in turn allowed biblical writers to make the claim to which Wright calls our attention: there are no laws as just as those of Deuteronomy. Bellah quotes the Egyptologist Jan Assmann's assessment that Egyptian ideals of justice, as expressed by one Old Kingdom worthy named Ankhtifi, are not those of a "bureaucrat operating under established moral norms, but [of] a patron protecting, indeed, saving, his clients from disaster and expecting loyalty in return."[93] And he refers to the Assyriologist Jean Bottéro as pointing out that "there was no real idea of law in ancient Mesopotamia, but rather of decisions, the decision of gods or kings; justice was not abstract, it was visible only in a particular case."[94] Indeed, it is worth quoting Bottèro on this point:

> There were undoubtedly "laws," but they were unformulated, just as the principles of science remained unformulated. Mesopotamian law was essentially an unwritten law. Unwritten does not mean nonexistent or unknown, but potential …. The principles of the laws were not deduced or formulated in explicit terms, but it was as if they were incorporated in a diffuse mass of traditions.[95]

Thus Sumero-Akkadian scribal culture. However, since we will continue our survey with the rise of talmudic culture in the late Parthian and particularly in the Sasanian period, both on the rabbinic Jewish and the Sasanian Zoroastrian side of Mesopotamian intellectual history, we must at least take some notice of developments that began at the latest in late Achaemenid Mesopotamia. On the whole, however, explicit inner-biblical exegesis is rare, and confined mostly to Chronicles, whose author is primarily concerned with contradictions in pentateuchal legal sources; his solution is to reconcile them by main force.[96] There is no continuity between the method of Chronicles and rabbinic techniques. Probably the closest analogy to Chronicles is provided by Qumran's "rewritten Bible" compositions.

Though the book of Chronicles, which is in a sense made up of a long series of biblical exegeses, was most probably composed at least in part in Mesopotamia, we must return to the land of Israel to continue our cognitive history of Mesopotamian thought. This is because the Babylonian Talmud is firmly based on developments there in the Hellenistic and Roman period.

---

[93] Bellah 2011, 237.
[94] Bellah 2011, 222.
[95] Bottéro 1992, 181.
[96] See Fishbane 1985, 135–137.

IV. Self-Referentiality in Avesta and Pentateuch

In literature the Axial Age's turn to self-awareness was reflected in a certain beginning of individualism and self-referentiality; for example, over time the old method by which compositions were known by their incipits – their initial words – fell into disuse; they began to be given titles which reflected their individual contents. Thus, both the Bible and the Avesta are self-referential. The collection of laws in Exodus 21–24 is given the name of *sefer ha-berit* ("Covenant Code") in Ex 24:7, and Deuteronomy is called *mishneh torah* ("the repetition of the Torah") in Dt 17:18. Again, laws are categorized as *ḥuqim*, *mishpatim*, negative commandments, and so on in the Bible; although Zoroastrianism has similar constructs, such as the distinction between duties for the sake of one's soul (*pad ruwān*) and between persons, or "adversaries" (*pad hamēmālān*), similar to the rabbinic distinction between mitzvoth between person and person and between person and the deity,[97] I am not certain that these categories had developed by Achaemenid times. However, the Avesta is certainly self-referential in the same way the Pentateuch is, as the following passage from the Avestan *Videvdad* indicates.

> V 5.23
> Then Ahura Mazdâ said:
> Well, Spitama Zarathustra, it is like this,
> *this law, the one discarding the old gods, in the tradition of Zarathustra* [italics mine – YE],
> is above and beyond other words
> in greatness, goodness, and beauty,
> like the Vourukasha Sea is above and beyond other waters.

Indeed, still later, the Zand (the Middle Persian *targum*-cum-commentary to some of the Avesta) to *Hērbedestān* 2.6 refers to the Avesta being the "naked Word," as opposed to the Avesta and its *zand*.[98] And in *Hērbedestān* 2.10, we have the following:

> Well, Zarathustra's son will make the Avesta and the Zand for *all.
> When it becomes thus, the rest will offer up in sacrifice one Ashem Vohu.[99]

While there is a reference to a cuneiform text as authored by a god,[100] and the Babylonians knew of a heavenly tablet of destinies, no cuneiform legal text is

---

[97] See Macuch 2003, 167–190, and, most recently, Shaked 2012, 77–113, and Strauch-Schick 2011, which deals with some of the Middle Persian material as well.

[98] So according to Skjærvø's preliminary edition, which he graciously shared with me. Kotwal and Kreyenbroek (1992, 30–31) read, "the Avesta was revealed by Zoroaster and the *zand* by his son."

[99] Kotwal and Kreyenbroek (1992, 32–33) have a different interpretation, but the reference to the Avesta and Zand is similar. Ashem Vohu is a classic Zoroastrian prayer.

[100] Lambert 1962, 68–69. In an important article, Uri Gabbay (2012) suggests, with a good deal of cogency, that much more of the diviner's library was considered of divine origin.

referred to in such terms as the Avesta employs here. The law collections are credited to the kings who authorized them. As Mark Brettler has observed, there are no really long texts in cuneiform such as we find in the Bible, and, I might add, in the Avesta.[101] Deuteronomy, as Wright notes, refers to God's laws as "just prescriptions and laws like all of this instruction which I am placing before you today" (Dt 4:8). Similarly, the Avesta refers to itself as "this law, the one discarding the old gods, in the tradition of Zarathustra." Once again, Judaism and Zoroastrianism meet on one side of the divide, quite distinct from Mesopotamian scribal culture. After detailing some of Mesopotamian culture's achievements, Peter Machinist pointed out (echoing Lambert and Westbrook) that:

> And yet, these achievements having been noted, it is clear that much is missing here which otherwise marks the so-called Axial civilizations. Self-conscious expression may be found; but to judge from the areas discussed, we must work to find them, for they are infrequent, often laconic, unsystematic, and limited in their explicitness. The writing of full-scale treatises, the formal expression of individual or group or self and other – these were evidently not desiderata in the Mesopotamian literary materials as we know them [that is, the scribes did not recognize them as desiderata – YE]. To be sure, we cannot dismiss the likelihood that in oral behavior, as the mathematical texts suggest, the Mesopotamian elites could be more forthcoming about themselves, their work, and their community. But the patterns in the written evidence are clear; and given the societal power and status attached to literacy and its products in Mesopotamia, these patterns must say something important about Mesopotamian civilization as a whole.[102]

Machinist adds a potentially important element to his description of the Mesopotamian mentality. The Babylonian scribes were the proud representatives and transmitters of Mesopotamian pre-Axial Age culture. Machinist's article is itself a contribution to a conference investigating Karl Jaspers's idea, noted above,[103] that human intellectual and spiritual development can be seen as being marked by a cross-civilizational watershed during which there was an "emergence, conceptualization, and institutionalization of a basic tension between the transcendental and mundane orders. This revolutionary process took place in several major civilizations including Ancient Israel, Ancient Greece, Early Christianity, Zoroastrian Iran, early Imperial China, and the Hindu and Buddhist civilizations."[104] Whether the phenomenon was as wide-ranging as claimed may perhaps be doubted, but that it encompassed the cultures that stand at the center of our concerns is clear, and accounts for the relative imperviousness of Zoroastrian and Israelite cultures to the Babylonian view of the world. As S. N. Eisenstadt goes on to say:

---

[101] See Brettler 2010, 411, and my comments on the Avesta and the Zand in Elman 2006, 156–157.

[102] Machinist 1986, 201.

[103] Jaspers 1965.

[104] Eisenstadt 1986, 1.

> These conceptions of a basic tension between the transcendental and the mundane orders differed greatly from the "homologous" perceptions of the relation between the two orders which were prevalent in so-called pagan civilizations in those very societies and civilizations from which the post-Axial Age civilizations emerged …. In the pre–Axial Age "pagan" civilizations this higher world was symbolically structured according to principles very similar to those of the mundane or lower one. Relatively similar symbolic terms were used for the definition of God(s) and man …. In most such societies the transmundane world was usually equated with a concrete setting, "the other world," which was the abode of the dead, the world of spirits, and not entirely unlike the mundane world in detail.[105]

However, this does not mean a complete transformation of the post–Axial Age world, for survivals of old beliefs remained for a very long time. For example, the Bavli preserves the idea that Gehenna was of this world, and that its opening may be found in it (*Bava Batra* 84a), similar to the biblical Sheol, and that demons ate, drank, and reproduced (*Hagigah* 16a). In Zoroastrian thought, too, hell is part of this world.[106] However, it is not to be doubted that this transformation was indeed transformative, in ways far beyond the realm of theology. And it is within this context that I propose to understand the limitations of Mesopotamian thought that become apparent in cuneiform "scientific" literature.

While Jaspers emphasized the theological and ethical dimensions of the Axial Age revolution, we are concerned with another of its effects, that on "second-order" thinking. Yehuda Elkana notes the importance of "systematic … reflexive questioning," that is, "thinking about thinking."

> Almost by definition, if we accept the validity of the still somewhat unexplained phenomenon that during the Axial Age a number of civilizations underwent critical change more or less simultaneously and with no clear mutual influence on each other, and that the breakthroughs are characterized by a "strain toward transcendentalism," by creating a gap or tension between that newly created transcendental realm and the mundane, by an urgent need to bridge that tension, and by the emergence of new elites with autonomous norms which will serve as the bridge, THEN [*sic*] the very strain toward transcendentalism is second-order.[107]

Thus, the *Videvdad*'s own proclamation of itself as "this law, the one discarding the old gods, [the one that] in the tradition of Zarathustra is above and beyond other words in greatness, goodness, and beauty" is itself an example of second-order thinking. It is not an idle boast, along the lines of Hammurabi's claim (in the epilogue to LH) that his pronouncements are "choice," just as (as he continues to say) "my ability is unrivaled."[108] There is much more of this braggadocio in both Hammurabi's prologue and epilogue, but no apparent awareness of what

---

[105] Eisenstadt 1986, 2–3.
[106] See Skjærvø, 2011c, 33.
[107] Elkana 1986, quotation from 41; his definition of second-order thinking is on p. 40.
[108] For this, and more of the same, see Roth 1995, 76–81, 133–140; quotations from 134.

that might mean in epistemological terms. The Avesta speaks of its "goodness and beauty," its "discarding old gods," which may be compared with Dt 4:8's assertion of the incomparability of Israel's laws. Of course, as Elkanah points out, full-fledged second-order thinking – a real epistemology – must await the Greeks, but the linking of the quality of thought with its content preceded them.

Once a body of scripture could be contrasted with competing texts – that is, it could be classified as superior and perhaps *sui generis* – the use of analogy in legal matters as applied to specifics became easier as well. Thus, at the opening of *Videvdad*, chapter 4, we have:

> V 4.1
> He who does not greet in return a man who greets (him)
> *becomes a thief of greeting on account of violation of him who greets*.[109]

And in the opening stanzas of chapter 5, a piece of a corpse that can be carried by the wind or a fly is no longer only a piece of flesh, but is on its way to becoming a more abstract ritual category, "dead matter."

Examining the provisions of the Avestan *Videvdad*, chapter 4, brings us to another important similarity between that and the Israelite CC: the separation of personal injury from the more general category of crimes against property. Thus, chapter 4.2–16 deals with the violation of contracts involving property, while the penalties for striking another person or taking up a weapon against him are dealt with separately afterwards. V 4.2 summarizes the various categories of contracts as follows, with the details following in 4.3–16. Here is 4.2, again in Skjærvø's translation.

> O Orderly maker of the world of the living with bones,
> How many are these contracts that belong to you, Ahura Mazdâ
> Then Ahura Mazdâ said:
> Six, O Orderly Zarathustra:
> the first the one of word,
> the second concluded by hand,
> the third the size of a sheep or a goat,
> the fourth the size of a cow or a horse,
> the fifth the size of a man,
> the sixth the size of a land,
> which is the one (concluded) for a land for it to grow well,
> to be furthered, increased, made wise, (and) to become prosperous.

In the following sections distinctions are made between one taking up a weapon against another person (4.17), bringing it down (4.22), one who strikes a man with an *ardush* blow (4.29), a bloody blow (4.30), a blow that makes the blood flow (4.34), a blow that breaks a bone (4.37), and a blow that makes a man unconscious (4.40).

[109] The italics are mine.

Once again, the *Videvdad*, *like* the biblical law collections and *unlike* cuneiform law, distinguishes between personal injury and crimes against property. While this distinction between biblical and cuneiform law had already been emphasized by Moshe Greenberg and Jacob J. Finkelstein, its importance in terms of intellectual history has more recently been stressed by Bernard Levinson.

> In a superb comparative study of cuneiform and biblical law, J. J. Finkelstein cogently argues that the Bible is the very source of the (modern) idea of the person: that biblical law is modern in implicitly providing a coherent formulation of the person as unquantifiable in finite terms, as morally infinite in value. In contradistinction, Finkelstein argues, the cuneiform legal corpora remain conceptually as well as chronologically ancient. Their system of penalties does not register a consistent distinction between offenses against the person and against property: in other words, that the two constitute separate ethical categories, infinite person and finite chattel, is not fully articulated.[110]

The same distinction may be found here, in *Videvdad* 4. It should also be noted that chapter 4 is arranged as a list of the sixteen best places where Ohrmazd asserts that "I fashioned forth," and chapter 3 is a list of the five places in which there is the greatest happiness, followed by five places in which there is the least happiness, followed by another list of five activities that give the greatest satisfaction. However, the arrangement of oral teachings as relatively short lists should not be confused with Mesopotamian *Listenwissenschaft*; we must distinguish the use of lists in the *Videvdad* as an *organizing principle* versus its use as a means of expressing a certain mode of thought, as opposed to analysis. Again, the Avestan (and Israelite) use of lists again provides an insight into one of the essential differences between Mesopotamian culture and Israelite and Zoroastrian religion. Here we have a God who instructs and commands, and the lists serve to organize his commands. Moreover, the mindset that we have uncovered in the *Videvdad* resembles that of the biblical law collections in significant ways. I am not arguing for influences one way or another, but rather attempting to explain in what ways these two religious corpora resembled the world that was coming into being even before the Hellenistic age ushered in by Alexander's conquests, when the Axial Age really got under way.

Thus, the distinction between personal injury and damage to property, that is, the refusal to equate human worth with that of property, involves a sense of personhood, which meshes with the self-reflexivity we found in both the Bible and the Avesta; the question then arises: is this sense of human worth and the worth of human consciousness connected to the theology of a benevolent creator who demands ethical conduct of his creatures? Israel Knohl has called attention to the "abstraction and sublimity" of the description of God as creator in Gn 1, connecting it to the "avoidance of the attribution of any physical dimensions to

---

[110] Levinson 2011, 29. See also his n. 29 and the references to Finkelstein 1981 and Greenberg 1960. On the concept of personhood, see also Geller 2010, esp. 455–465.

God and of almost any action of God, save the act of commanding." God is the ultimate, but abstract, Self. Stephen Geller has connected "the development of a relatively strict and self-aware, polemically active and exclusive monotheism [to] … the development of a new concept of the individual self, the believing member of a new type of religious community."[111]

Or, as J. J. Finkelstein put it,

> The statement in the first chapter of Genesis [that man was made in God's image – YE] is then to be seen as the expression of an awareness of the unique position of man in the universal scheme of things as it was apprehended by man himself. It is the biblical author's way of abstracting, isolating, and apotheosizing precisely those characteristics of man which he senses as the most significant, those which set him apart from the rest of the visible universe. The essence thus abstracted of necessity stands outside this natural order, yet dominates it through the agency of man.[112]

As might be expected, this view of man continued into the rabbinic period; as we shall see, it is characteristic of Zoroastrianism as well.

> Post-biblical Jewish thought gives even more eloquent expression to the biblical view by explicitly extending transcendent worth to the individual human life. The idea is, of course, implicit in the first chapter of Genesis and in the psalm [Ps 104] just quoted. Thus we find in the tractate Sanhedrin of the Mishnah the following statement:
>
> > A single man was created in the world, to teach that if any man caused a single soul to perish, Scripture imputes it to him as though he had caused an entire universe to perish …. Again, [but a single man was created] to proclaim the greatness of the Holy One, Blessed be He; for man stamps many coins with the one seal and they are all like one another; but the King of Kings, the Holy One Blessed be He, has stamped every man with the seal of the first man, yet not one of them is like his fellow. Therefore every one must say, "For my sake was the Universe created." [mSanh 4:5]
>
> This statement is set forth as part of the adjuration of witnesses who were about to testify against a defendant in capital cases. Its burden was to impress upon a witness the extreme gravity of his undertaking, lest he expose himself to eternal blood-guilt for having helped bring about the death of a possibly innocent fellow human. It is a pithy summation of the first chapter of Genesis, and demonstrates how directly and effectively this foundation of biblical cosmology could be invoked in a judicial context – a hypothetical one, to be sure – when a life was at stake. It is to be doubted that a bolder or more eloquent profession of the anthropocentric world view will be found in Scripture or in post-biblical literature. This Mishnaic adjuration may be too guilelessly formulated for contemporary sensibilities, but it embodies the

[111] Geller 2010, 446–447.

[112] Finkelstein 1981, 8. See also his summary of the differences between CC and the cuneiform law collections on the matter of the goring ox (39).

> most fundamental principle underlying all of Western cosmology. Its burden, and the classificatory consequences that flow from it, stand at the opposite pole from the cognitive mode and categorical system which characterized the Mesopotamian world.[113]

As noted above, Zoroastrianism may serve us as a useful contrast, since it does not have, as far as we can determine, a creation-of-man story similar to that in the Bible, but it *does* consider every human being as worthy of salvation: every human will be resurrected at the end of time, as the *Bundahišn*, a ninth- or tenth-century work based on earlier sources, stresses in chapter 30. Here is Oktor Skjærvø's recently published translation of 30.19–21.

> [19]And then all people pass through that molten metal and become pure. Whoever is good, to him it will seem like he walks through warm milk, but, if it is a bad person, then it will seem to him just like he walks through molten metal.
> [20]Then all people come together in great love for one another. Fathers, sons, brothers, all men who were friends, ask other men: "Where were you all those years, and what judgment did your soul receive? Were you good or bad?"
> [21]First the soul will see the body and will ask it. When it answers, they will all shout loudly together and praise Ohrmazd and the Amahraspands.[114]

The reader may wonder whether "people" here refers only to pious Zoroastrians; in response may I point to another post-Sasanian compilation of religious *responsa*, *Dādestan ī Dēnig* 74.4, which – after excoriating homosexuality for three chapters – concludes with the following: *pad dēn guft estēd kū harwisp rist ul estēnēd kē ahlaw* [*ud*] *kē-z druwand, nē kē pad druz bē hilēd*, [115] "It has been said in the Tradition that all the dead will rise, both orderly (i. e., righteous) and lying (i. e., wicked), no demonic being will be left behind"; in other words, even members of evil – that is, non-Zoroastrian – religions will be included in the resurrection. And, as the author intends to say, even those homosexuals whom he has condemned for three chapters will be included among them.

V. Cosmopolitanism, Writing, and *Listenwissenschaft*

Before leaving ancient Mesopotamia for late antiquity, I would like to highlight another aspect of Iranian culture that places it in stark contrast with age-old Sumero-Akkadian ideals: the importance of writing for the Mesopotamians, and the place of orality and what may be called "the nomadic ideal" on the part of

---

[113] Finkelstein 1981, 13–14.

[114] Skjærvø 2011c, 170. The Amahraspands are the "Life-Giving Immortals."

[115] The text is courtesy of Mahmoud Dehaghi-Jaffari, who is working on an edition of this important text, and, indeed, has published one volume of it already (1998). In the spring of 2003 I had the opportunity of working with him and Oktor Skjærvø on the second volume: this text is from that edition.

the Iranians. If I am correct, this preference for the simplicities of the nomadic lifestyle continued far beyond the adoption of an agricultural lifestyle, which was, incidentally, nevertheless valorized in the *Vīdevdad* (l.6, 4.2, 4.4, 4.10, and 4.16, for example).

In a paper on why Zoroastrian temples are so different from Mesopotamian, Canaanite, and Israelite ones, I suggested that two factors were relevant. Sumerian or Semitic ancient Near Eastern temples were products of an urban civilization, as opposed to the Iranian Indo-Europeans who held to a nomadic ideal into the Sasanian period.[116] As Gwendolyn Leick put it, "Throughout the ages, Mesopotamian tradition identified Eridu as the most ancient of cities, as a holy place, the very site of creation."[117] And yet it was never of any political importance. Next in line was Uruk, which bequeathed to Mesopotamian civilization three of its hallmarks: monumental architecture, especially that of the temple; and bureaucracy along with its tool, writing. Only bureaucracy was adopted by the Iranian conquerors, clearly out of the practical necessity of administering an empire. But none of these staples of Babylonian civilization captured the heart of the Iranians. And what was true of the Achaemenids was no less so for the Sasanians. They were willing to spend on palaces, but not on temples – and apparently felt no pressure or motivation to do so.[118]

The same is true of writing. Notoriously, in ancient times through late antiquity the Iranians never took to writing, adopting and discarding writing systems – Old Persian in cuneiform; Middle Persian in Pahlavi, an Aramaic-derived script whose ambiguity negated much of the advantage of an alphabetic script; and New Persian in Arabic scripts – and the Avesta remained an orally transmitted sacred text until very late in their history. If H. W. Bailey was correct to date the reduction to writing of the Avesta to the middle of the sixth century CE, that would be late enough; but we know that the authors of the *Dēnkard* still held to the superiority of the spoken word, as Mary Boyce observed long ago (see below). Nevertheless, as Philip Huyse recently pointed out, "it was during [Khusrau's] reign [539–571 – YE] that literature began to flourish and the fictive page in the well-known text on 'Xusro and his page' (XR 8–10) showed that young priests at that time were not only trained in memorizing and reciting the *nasks* [= the Avestan books], but also in the skill of accurate and quick writing."[119]

I think that both characteristics of ancient Iranian civilization can be accounted for by the same set of factors: the long survival of nomadic ideals in Iranian civilization, in stark contrast to the long history of urbanism in Sumerian and Semitic civilizations. Mesopotamians considered nomads to be outside the pale of civilization. Glenn M. Schwartz has noted the Mesopotamian scribal antipa-

[116] See Elman 2011b, 154–159.
[117] Leick 2001, 29.
[118] Cereti 1997, 30.
[119] Huyse 2008, 148.

thy to nomads; the scribes, who were urbanites, "emphasized the 'otherness' of pastoral nomadic groups and the danger they posed to sedentary society."

> In the Curse of Agade, for example, a late third-millenium BCE literary text from southern Mesopotamia, the pastorialist Gutians are described as a group "not classed among people, not reckoned as part of the land, / … people who know no inhibitions, / with human instinct but canine intelligence and monkeys' features." The same group is depicted in another text, the "Weidner Chronicle," as individuals "who were never shown how to worship god, who did not know how to properly perform the rites and observances" – in short, people completely beyond the pale of urban civilization and, perhaps more to the point, beyond the control of urban political authorities.[120]

Although Schwartz does not make a point of it, from our perspective, the last characteristic is particularly relevant for us: nomads were people "who were never shown how to worship god, who did not know how to properly perform the rites and observances." Traces of this urban Semitic view may be found in the Bible: "my father was a wandering Aramean" (Dt 26:5) emphasizes Israel's lowly origins, coordinate with the rabbinic "at first our fathers were idolaters" of the Passover Haggadah. And indeed, Joshua 24:2 locates Israel's origins in Mesopotamia and emphasizes that its ancestor – Terah, Abraham's father – was an idolater.

As I have pointed out elsewhere, the Iranian nomadic ideal continued well into the Sasanian period, in the depiction in the *Hērbedestān* of priestly training being carried out "on the hoof," so to speak, as the acolyte accompanied his master in tending his flocks. Only once does the *Hērbedestān* refer to traveling *ō gyāg hērbedestān*, "to the place of priestly training," presumably a school.[121] The Talmud gives us a plangent view of the encounter of Israelite and Iranian values in its story of the encounter of the Sasanian nomadic ideal with Isaiah's depiction of the messiah arriving on a donkey; we may see the Iranian ideal in Shabuhr I's reaction to this news: "A donkey! I'll give him a stallion from my stables!" (Sanh 94a). Clearly, to his mind, a stallion befits the messiah – and the Zoroastrian Saoshyant ("the rectifier [of creation]") – more than a donkey.

One important coefficient of this disjunction is the great difference between the views of the two civilizations on the importance of writing. The Mesopotamians could conceive of Fate embodied in the "Tablets of Destiny," while Zoroastrians could still consider orality as the hallmark of truth and life, even sixteen hundred years after conquering Mesopotamia, as enshrined in the *Dēnkard*. Mary Boyce has noted that three centuries after the Avesta was finally written down in the sixth century, oral transmission was still considered the superior mode: *zindag gōwišnīg saxwan az an ī pad nibišt mādagwardar hangērdan čimīg* – "it is reasonable to consider the living spoken word more important

[120] Schwartz 1995, 250a.
[121] See Elman, forthcoming a.

than the written."[122] And this despite the fact that our sources are *written* ones! Moreover, they are by definition products of various elite cultures.

There was another aspect to writing in Mesopotamia that seems entirely missing in Iran, an aspect that the subtitle of a recent paper by Scott Noegel expresses: "Script, Power, and Interpretation in the Ancient Near East." He argues that "we obtain insight into the interpretive process of ancient diviners by recognizing the cosmological underpinnings that inform the production of divinatory and other mantic texts, [which involve] an ontological understanding of words and script as potentially powerful." He argues that "recognizing the process of exegesis as an act of power provides insights into the generative role that scripts (or writing systems) play in shaping ancient Near Eastern conceptions of the divine sign."[123] In Zoroastrian theology, in contrast, the holy word, the *manthra*, is spoken. It is not interpreted as a visual *sign*.

Iranian civilization maintained a skeptical stance in its attitude to writing as a defining element, and held fast to the oral transmission not only of its religious tradition – the Avesta and the literature that it spawned – but also its belles lettres and other secular literature. From the Gathas, in the middle of the second millennium, to the *Dēnkard*, well after the fall of the Sasanian empire, the unwritten word maintained its force and its life. While scribes may have written Ahriman's name upside-down, an extended discussion similar to the Fifty Names of Marduk in *Enūma eliš* is inconceivable in Zoroastrian terms.

That unwritten word was wondrously conservative, in the best sense of that abused word, for it preserved memories of nomadic life long after the Iranians had established an empire and settled down. Thus, as I have shown, the *Hērbedestān* retained elements of an itinerant, herder priestly class alongside more centralized priestly training.[124]

However, this valorization of the nomadic lifestyle continued to be influential, not only in the ruling class's emphasis on hunting and horsemanship, but also in the essential elements of religious life. The contrast with Mesopotamian culture is stark. Each Babylonian city had its own god and goddess, who had their own temples, and those temples were city palaces writ large. So too in Canaanite culture, and on down to the wilderness tabernacle and the Solomonic temple, which provided light (the menorah), a table, and food (the showbread). Fire temples were of an entirely different order.[125] In contrast, while by Sasanian times agricultural pursuits were highly valued both religiously and in formal terms, agricultural products did not become essential parts of religious life, as they did in Israelite religion, with its tithes and other priestly gifts and offerings, and with its emphasis on domesticated animals for its offerings. As might be expected, the

[122] See Boyce 1968, 34 and 45 n. 1.
[123] Noegel 2008, 143.
[124] Elman, forthcoming a.
[125] See, provisionally, Elman 2011b.

nomadic "default position" sometimes reasserts itself in unexpected places; in *Nērangestān* 40.11 the use of animal skins for a ritual table is allowed,[126] though it is usually a manufactured item.[127] Again, leather clothes are easier to purify than those made of woven cloth (Pahlavi *Videvdad* 7.15). While oral tradition played an important role in Israelite life, as it did in all ancient cultures where literacy was restricted either to a relatively small number of people or to a few well-defined uses, it was not valorized in the Bible as it was in the talmuds, especially the Babylonian one.[128]

There was a third element in Mesopotamian civilization to which I have already called attention: cosmopolitanism, an age-old tradition in Mesopotamia. From the time that Sumerian died out, both the language and its literature were preserved by the Semitic Babylonians, becoming an essential part of scribal training and culture. A scribe who did not know Sumerian was not a scribe ("A scribe who does not know Sumerian, what kind of a scribe is he?").[129] Sumerian was the language of instruction, and a scribe had to learn to speak it. As Christopher Woods puts it:

> Like university Latin until recent times, Sumerian was not only the language of instruction but also the language of the scholarly milieu. Sumerian was the glue that held the scribal guild together, and as such, it served a crucial ideological function in shaping scribal identity.[130]

Along with this school function, however, written cuneiform served a divinatory function, as has recently been pointed out by several scholars.[131] It seems to me that the Achaemenid period broke this tradition of idealized cosmopolitanism, and replaced it, in some respects, by a pragmatic cosmopolitanism that did not necessarily affect the priests.

Later on there were exceptions, under the Sasanians. Manichaeism seem to have been recognized as a threat, perhaps because it resembled Zoroastrianism in vital ways, and Christians were persecuted under Shabuhr II, apparently for political reasons after Constantine made Christianity the official religion of the Roman Empire. But with these exceptions, the old policy of a pragmatic toleration continued. To what extent this was due to Iranian pragmatism, and to what extent it was a continuation of an old Mesopotamian tradition is of course impossible to determine, but that cosmopolitanism remained a factor to the end of Sasanian rule and into the Muslim era, even if it consisted of merely preserving moribund (as in the case of Hebrew) or dead (as in the case of Sumerian or Old and Young Avestan) languages as prestigious media of knowledge.

---

[126] Kotwal and Kreyenbroek 1992, 172–173.
[127] Kotwal and Boyd 1991, 63 n. 7.
[128] See Elman 1999.
[129] Woods 2006, esp. 108.
[130] Woods 2006, 108.
[131] See Noegel 2010, 149–151.

The resistance to attributing religious significance to writing, and perhaps a nomadic preference for simplicity, had other effects, though here we should distinguish orality from nomadic ideals; the existence of an almost entirely orally-composed Bavli in the fifth and early sixth centuries is proof that oral composition is no bar to complexity.[132] Even when the need to resort to writing was finally admitted, with the invention of the Avestan alphabet and the writing down of the Avesta in the fifth and sixth centuries, and the (originally oral?) composition of commentaries to the *Vidēvdād* (the Pahlavi *Vidēvdād* in the late fifth century and the later *Zand ī Fragard ī Jud-dēv-dād* in the sixth),[133] those commentaries seem to resist the complex casuistic elaborations produced by their contemporaries, the fifth- and early sixth-century redactors of the Babylonian Talmud, based on the accumulated material of the second through the fourth centuries.

Thus, when we view the Zoroastrian ritual system as against the Jewish one – biblical or rabbinic – or the Western Semitic sacrificial system (as we shall do below), we are struck by the simplicity of the Zoroastrian one. Unlike the biblical/rabbinic system, with its elaborate panoply of sacrifices, its variety of animal and agricultural offerings, and its painstakingly complex rabbinic elaboration, by all indications the Zoroastrian ritual system remained faithful to its nomadic past in its severe, stark simplicity. We will have more to say on this below, after examining some of the fifth- and sixth-century *zand* literature.

Needless to say, innovation in the area of civil law is a different matter, and the Sasanian legal system, and its predecessors, changed with the perceived needs of the time. Thus, Mansour Shaki already noticed forty years ago that the so-called Sasanian Lawbook, the Book of a Thousand Decisions (*Mādayān ī Hazār Dādestān* = MHD) gives testimony of a gradual civil empowerment of women,[134] but, truthfully, it would seem that even before that process began, as I believe, with the Black Plague, the freedom and civil rights granted Iranian women were greater than those granted under the rabbinic and Semitic systems. One defining characteristic is the sexual freedom that Iranian women seem to have had; the fact that adultery by the female was not adjudged a capital crime speaks volumes in this regard.[135] Indeed, even in Achaemenid times, one of the intermarriage contracts found at Al-Yahudu specifies the death penalty – "with an iron dagger" – for adultery of a Jewish woman married to a man with a pagan Babylonian name.[136] This aspect of Iranian civilization shows up in other areas, such as the openness to women receiving priestly training in *Hērbedestān*

[132] Elman 1999.
[133] This will be discussed below.
[134] See Shaki 1971; Elman 2003.
[135] See Elman 2007b, esp. 134.
[136] See Abraham 2005–2006.

1 and serving in priestly functions comparable to those of men, and unlike the Mesopotamian priestesses.[137]

The Sasanian Lawbook (MHD 1.2–4) notes that the under one of the kings named Wahram, the transmission of slave status from parent to child was changed. I have shown that Abarg seems to have introduced the idea of negligence into the Sasanian tort system.[138] And the Bavli reports a change in landownership practices in regard to canals.[139] MHD 78.2–11 and 93.4–9 record changes in administrative practices. However, we must differentiate between the first of these developments and the others, because the status of women is often more a matter of religious outlook than of legal considerations, and a conservative face often merely masks the roiling tensions beneath its impassive features.

VI. Sasanian Casuistics: Rabbis and *Dastwar*s

As noted at the very beginning of our study, the Sasanian period was one that saw the "last [cuneiform] wedge" indited, and Sumero-Akkadian civilization was barely a memory – although the great temple of Esagilla seems to have continued to function to some extent until the fourth century,[140] and, as we shall see, at least some of the hallmark characteristics of its elite culture continued to lend structure to that of its successors. Our focus will now shift to what has come to be called the era of "Irano-Talmudica." We do so simply because Sumero-Akkadian culture was not only in decline but had lost most of its creativity and life long before,[141] while evidence of the intermediate stages of Zoroastrian thought is lacking, and since our conference was devoted to Mesopotamian intercultural studies, I could hardly continue with an investigation of (Palestinian) intertestamental Jewish thought alone.

Above we took our examples from the Avestan *Videvdad* (ca. 1200–900 BCE, with some minor changes perhaps as late as 300 BCE); our evidence now dates from the late- and early post-talmudic period, mostly the fifth and sixth centuries CE, with some additional perspective gained by studying compilations of the ninth and tenth centuries that had their origins in the Sasanian period. Though the Bavli actually preserves traditions from the late Parthian and early Sasanian periods, these are not sufficient for us to discern the larger thought patterns at work.[142] Fortunately, we have managed to unearth the roots of late Sasanian Zo-

[137] Elman 2006.
[138] Elman 2010b. Which Wahram is being referred to is difficult to determine.
[139] Elman 2004a.
[140] Geller 1991.
[141] Though not entirely; at least during the late Achaemenid period, Hellenism was added to the mix of Mesopotamian cultures with interesting results. See Scurlock and Al-Rawi 2006.
[142] See Elman 2004b; 2011b, 151–161; 2012.

roastrian thought in the (pre-)Axial Age mindset of the Young Avestan *Vîdevdad*, which laid the basis of the concept of Ohrmazd as an omniscient, transcendent, benevolent, and omnipotent creator, and, most important, one who *commands*. It will thus come as no surprise to find that his commands require a commentary, which the *dastwar*s of the fifth and sixth centuries CE (if not earlier) provided, similar to that of the rabbis to the Bible, though our records for the rabbinic corpus begin several centuries earlier. Once again, however, we should point to the age-old Mesopotamian genre of commentarial texts as a possible contributing factor to this development.

Those later commentaries include the Pahlavi *Vîdevdad* (PV) and a newly-rediscovered text, *Zand ī Fragard Jud-dēv-dād* (ZFJ).[143] If our choice of works on pollution may seem somewhat esoteric, it is due to the simple fact that the best-preserved corpus of Pahlavi texts is that dealing with pollution. In order to trace the trajectory of fifth- and sixth-century Zoroastrian intellectual history, let us briefly review them. The earliest is the Avestan *Vîdevdad* (AV), which we examined in earlier sections of this paper. The PV contains (1) a Middle Persian translation of AV; (2) glosses on that translation; (3) relatively long expository passages; and (4) the commentaries and disputes of named authorities of the late fourth and fifth centuries. I estimate that PV was redacted in the latter half of the fifth century or the early sixth century.[144] We may characterize them as follows: the Bavli is to the Mishnah as the Mishnah is to the Bible; the sixth-century ZFJ is to the PV as the PV is to the AV, and as the Targum (the Aramaic translation of the Bible) plus the Mishnah is to the Bible. We will demonstrate the truth of this observation below.

Then there is a more or less practical ritual manual of the ninth or tenth century, *Šāyast nē Šāyast* (ŠnŠ), "Proper/Improper," a sort of Code of Zoroastrian Law, quite in keeping with its contemporary gaonic legal and ritual monographs. And, finally, there is ZFJ, a text of some two hundred and forty pages, of which König had transcribed and translated and commented on the first twenty.[145]

We will have a good deal more to say about ZFJ in the next section, but meanwhile, let me note that it is arranged as a sort of *Rivāyat*, a series of questions and

[143] The latter text was brought to my attention by Götz König during a pleasant visit to Berlin in 2007.

[144] My student Shai Secunda (2012) has recently argued for a sixth-century date; I hold to my dating for the reasons I set forth in Elman 2005 [published 2009] and 2010a, including the correspondences found by Alberto Cantera (2004, 211–235).

[145] See now König 2010. Those pages were enough for me to appreciate the importance of this text, and, acceding graciously to my urging, Mahnaz Moazami of Columbia University and Oktor Skjærvø of Harvard transcribed the entire text. The following comments are based on work done on that text by Skjærvø and Moazami, and by Shai Secunda, Domenico Agostini, and Eva Kiesle of Hebrew University, though the interpretations – and any errors – are my own.

answers that parallel the ritual/legal sections of PV (though apparently not the mythological/theological ones), an indication that the author(s) distinguished aggadah and halakhah in much the same way the rabbis did. The arrangement of these topics as a series of questions and answers required that the compilers/redactors maintain a consistent analytic attention to the text. While this is true to some extent of PV in some places, PV is hardly as consistently attentive to the larger legal issues involved in case after case. As a consequence, ZFJ is one of the most amazingly creative Middle Persian texts – and this creativity extends to each part of its composition: the disputes among the schools, the work of the redactor who identifies himself as *az man* ("in my opinion"), and the work of the anonymous redactor(s).

While this large corpus of Zoroastrian texts on pollution can be paralleled by the rabbinic order of *Toharot* (Purities), which is the largest of the six orders of the Mishnah, there is a crucial difference between them. Matters of purity and pollution had become mostly theoretical for the rabbis with the destruction of the Jerusalem temple, except for the matter of menstrual impurity, which affected married life, and some marginal issues involving those of priestly decent. In contrast, ritual pollution was a means by which Ahriman, the evil spirit, carried on in his struggle against the forces of good. It was thus of the highest theological and eschatological import. The consequence was somewhat counterintuitive: *precisely* because of its importance, and the pervasiveness of issues of purity and impurity in everyday life, the Zoroastrian approach to questions of pollution was usually one of leniency rather than stringency, in order to limit the interference of such considerations with normal activities.

Thus, in ŠnŠ 2.72 the question of doubtful pollution is settled leniently, in contrast to the rabbinic approach. If someone passes along a road at night, and the next day discovers that he might have come in contact with dead matter in the road, the redactor of ŠnŠ decides that there is no retroactive impurity, in contrast to the rabbis (mToh 5:1, 5) who dispute the question with R. Judah. In a case in which there are two paths, one of which has corpse matter in it and one which does not, and two people passed along each and then had contact with "purities" (*toharot*, things that must be kept ritually pure, similar to the Zoroastrian *pādyābīh*), if both come to inquire as to the status of the purities – both are considered polluted. The matter of menstrual impurity is decided even more stringently in terms of retroactivity (mNid 1:1). In contrast, as Shai Secunda has shown in his comparative study of Zoroastrian and rabbinic menstrual pollution, Zoroastrian practice is often surprisingly lenient in many respects.[146] However, it is important to note that whether the Zoroastrian rulings are strict or lenient (and quite self-consciously so, as ŠnŠ 1.4 notes that some authorities are strict

[146] Secunda 2007.

[*saxt*], and some are lenient [*sust*]), the rabbis and *dastwar*s deal with similar problems in similar ways.[147]

Again, as noted above, Ohrmazd's answer – already in AV – to the question of whether one who inadvertently feeds polluted wood to a fire – that is, wood that has been vomited upon or defecated on by a bird that has pecked some dead matter from a corpse – is that he is not a sinner. We will return to this question and the PV passage that discusses it. For now, it is important to note that Ohrmazd rules that inadvertently causing pollution to firewood (which will ultimately be fed to a fire, which is sacred), does not make the firewood gatherer a sinner, because to do so would discourage people from pursuing a life of righteousness (for details, see below).

Thus Ohrmazd takes a nominative (rather than realist) position vis-à-vis corpse impurity.[148] Pollution is not an inherent quality of the impure substance, which follows a "natural law" similar to those of physics, but is rather a legal/ritual construct that can be limited for practical reasons – that is, in this case, as PV's commentary on Ohrmazd's decision states: "the path of a life of good deeds would have been destroyed for them." I might mention in passing that this decision permits ZFJ to envisage pollution in a way radically different than PV does, as Oktor Skjærvø and I have demonstrated in a forthcoming paper delivered in 2010 at Oxford.[149] While in PV pollution is propagated in a linear fashion (by trees, walls, ladders, stairs, and so forth), ZFJ opens the possibility of pollution occupying space.

It is on this theological premise that inadvertent pollution of sancta does not make the inadvertent polluter a sinner, that Abarg and Mēdōmāh, two influential fifth-century teachers and their disciples, built up the rules governing one of the basic distinctions of the Zoroastrian system of pollution, the difference between two degrees of dead matter: *nasā*, "dead matter," and *hixr*, "dry dead matter." We will examine this dispute and its consquences in more detail below.

In the preceding paragraphs we have pointed to some interesting parallels and contrasts between the development of Zoroastrian law on pollution and that of the rabbis, and below we will point out some more. This is no new insight: already a century and a half ago Friederich Spiegel noted the similarities in

[147] Yishai Kiel (2011) has studied this convergence of *dastwar* and rabbi on matters of corpse impurity.

[148] The discussion regarding whether the rabbis were nominalists or realists has generated a spirited and useful literature. See Silman 1985, which began the debate, and Schwartz 1992; Rubenstein 1999; and most recently Noam 2010a; 2010b, 221–255. See also Kiel 2011, chapter 4. I might also note in passing that this makes Ohrmazd a functionalist; ZFJ's turn to conceptualization will be noted below.

[149] Skjærvø and Elman, forthcoming.

casuistic approach to matters of ritual and pollution between the fifth-century PV, which deals with matters of purity and pollution, and the Bavli.[150]

> I fear no contradiction when I suggest that in these glosses the same Semitic influence that we can recognize in the translations [i. e., the *zand*] is active. Namely, we may compare the very similar work of the Babylonian Jews here. The Parsee glosses may be reasonably categorized under the two rubrics of the Aggada and Halakha; while the glosses to the Vendidad are more halakhic, the Yasnas belong more to the Aggada.[151]

In the last few years Spiegel's observation has been spectacularly vindicated by the dissertations of Yuhan Vevaina,[152] Shai Secunda,[153] and Yishai Kiel,[154] and in the aforementioned rediscovery by Götz König of perhaps the most "rabbinic" of all Middle Persian texts, the sixth-century ZFJ, which is focused on a casuistic (and conceptualist!) legal analysis of Zoroastrian religious tradition. Whether this may be attributed to "Semitic" influence may be doubted, since it is clear that the system of Zoroastrian purity law was being built up, detail by detail, in the late Sasanian period, and in a peculiarly Zoroastrian manner; had rabbinic influence been in play, we might have expected a more developed structure to begin with – not a more "rabbinic" structure, but a more developed one. Still, when it comes to investigating the variables of a particular principle or ritual/legal situation, both the rabbis and the *dastwar*s had a long history of Mesopotamian *Listenwissenschaft* behind them, as well as the contributions of Hellenistic analysis. And as we shall see, ZFJ made huge strides in that direction. I suspect that in part Spiegel's observation expressed a Christian disdain for dry ritual (as in Leviticus or *Videvdad*), but its truth has been clearly demonstrated.

Analyzing ritual trends within these Pahlavī texts of the fifth and sixth centuries will provide us an insight into the intellectual challenge facing the *dastwar*s who contributed to them. However, anyone familiar with rabbinic literature who becomes acquainted with technical Pahlavi discourse gradually becomes aware of a missing element, at least from the rabbinic point of view. Despite their similarities to talmudic methods and concerns, the Pahlavi commentaries retain a certain simplicity. The number of prohibited materials remains small (mainly dead matter in various forms), and the question of prohibited measures as well as the questions attendant upon their interaction with each other as well as with permitted substances – issues that take up so much space and energy in rabbinic discussions – are almost completely, though not entirely, lacking in our Pahlavi sources. Thus, when the Zoroastrian authorities began to debate the

---

[150] I thank Dan Sheffield, then a doctoral candidate at Harvard, for calling my attention to Spiegel's work.

[151] Spiegel 1856, 92.

[152] Vevaina 2007.

[153] Secunda 2007.

[154] Kiel 2011.

issue of minimum measures of prohibited dead matter (ZFJ 654–657; compare AV 7.23–24 and PV 5.4), they did not enter the complex area of mixtures of prohibited substances, a subject that exercised a never-ending fascination for the rabbis. In part, this seems to be due to the lack of such elements in the basic avestan system, which eliminated the need or opportunity for such elaboration. However, the issue is more far-ranging; time and again and in regard to issue after issue, the magi passed up opportunities for complexity, opportunities the rabbis almost always embraced. For example, AV 7.23 speaks of the sin of eating dead matter from dogs and men, but no distinction is made between the polluting power of each. Again, the distinction between *hixr* and *nasā* (dead matter and dry dead matter, respectively) in PV 5.1–4 is not applied to the sin of "chewing dead matter": apparently, all dead matter of whatever sort and degree is the same in this respect. Now, while the Bible itself distinguishes between the impurity of human corpses and that of animal carcasses, and rabbinic literature is full of fine distinctions between degrees of prohibition or impurity and the problems that arise from questions regarding the status of mixtures, the Zoroastrian system of ritual pollution, which was, if anything, of much greater importance theologically to the magi than it was to the rabbis, remained simple in contrast. Again, as noted above, in ŠnŠ 2.72, the possibility of retrospective impurity, which the rabbis developed, is rejected outright.

When we search for the origin of these rabbinic discussions, we find it in the place of both urbanism *and* agriculture in its religious formation, and the importance of monotheistic divine revelation. Forbidden foods were divinely mandated, and the identity of those foods was conditioned by their agricultural origins and their use in temple ritual. Above I noted the Zoroastrian distaste for central urban-themed temples that seemed to confine a god to a household.[155] Cultic materials did not become, as they did in the rabbinic system, the source for meditations on prohibited foods.

For the rabbis, forbidden substances were drawn from the agricultural and cultic realms. Each forbidden substance had its own panoply of rules: the minimum amount for transgression; the manner in which it would become forbidden; what rules governed its mixture with other substances, permitted and forbidden; how the substance might be nullified in a mixture with permitted foods; and whether, though it was forbidden, its owner could derive benefit from it, either by selling it or feeding it to his animals. Nearly all of these substances had their origins in *agricultural* tithes or the *cult*.

For example, in a long passage in *bPesahim* 21a–23a, which discusses whether forbidden foods also carry a prohibition of benefit,[156] no fewer than *eleven* for-

[155] Elman 2011b.

[156] Zoroastrianism has a parallel concept: *a-kar*, which is usually rendered as "useless" but may be the Zoroastrian equivalent of the rabbinic *assur ba-hana'ah*, "forbidden for benefit." See ZFJ 457.2 and 458.3, where the food is *a-kar bē sag dahišn*, "unusable except to be thrown

bidden substances are examined from this point of view: improperly slaughtered animals (*nevelah*), the sciatic nerve, blood, a limb torn from a living animal, the meat of an ox executed for goring, fruit of a newly planted tree (*orlah*), priestly *terumah*, wine for a Nazirite, newly sprouted grain, creeping things, leaven on Passover. And this does not even include first and second tithes, first fruits, the parts of a sacrificial animal due to the priests, part of the first shearing of a sheep, sacrificial meat offered with various wrong intentions (*notar*, *piggul*), first dough (*hallah*), and more besides. Moreover, each is examined in the context of its biblical and rabbinic antecedents. One may think of the myth of three hundred Eskimo words for "snow" – but the rabbinic concern for prohibited substances is not a myth.

In an important article published in 2003, Maria Macuch pointed to the division of sins into two main categories, *winah ī hamēmārān* or *hamēmālān*, "a sin/offence regarding opponents," and *winah ī ruwānīg*, "sins pertaining to the soul," and suggested that this distinction dates to pre-Sasanian times and reflects a time in which "priests were mediators and arbitrators, later jurists and judges, and at the same time responsible for the moral guidance of the community," a time when "religion and law were inseparable in an early stage of Zoroastrian jurisprudence."[157] Whatever its date, it parallels the rabbinic distinction between commandments related to human interaction, and those relating to matters between God and man (*mitvot bein adam la-havero* and *mitzvot bein adam la-Maqom*). But the categorization did not continue to the fine subdivisions of the rabbinic system.[158]

To return to our main point, concern for such matters, at least as it touches priestly prerogatives, goes back to the Second Temple period. Since often the biblical or early rabbinic texts do not fully spell out the parameters of their legislation, the question arises as to whether, say, case B is more like case A or case C. This is also a characteristic of early Second Temple sectarian disputes. Thus, as Vered Noam has recently demonstrated, the question of the disposition of fourth-year fruit was disputed by the Qumran sect and the Pharisees: according to the former, it went to the priests, according to the latter, to the farmer. Each could marshal biblical verses in support of their position.[159] The issue is one of competing analogies.

Adiel Schremer and Aharon Shemesh have suggested that sectarian conflict and polemic was the breeding ground of midrash, in particular legal midrash

---

to a dog." ZFJ 458.3 is even more revealing*: a-kār pad kār ī mardōmān nē šāyēd ō sag dahišn*, "it is unusable for the use of humans, it is not proper [to be eaten], it should be thrown to a dog." Compare Ex 22:30.

[157] See Macuch 2003, quotation from 172.

[158] See most recently Moscovitz 2012 and Shaked 2012, esp. 404 and n. 2.

[159] See Noam 2010c, and her book 2010b. This aspect of her work is built on that of Schremer 2001; Shemesh 2009; and Kahana 2011, 1:20–22, 2:67–70.

(*midrash halakhah*), both rabbinic and nonrabbinic.[160] Sharing the concept of a revealed scripture, the various Second Temple sects jockeyed for advantage in interpreting scripture. Indeed, even our earliest examples of midrash, the commentary on the Fifty Names of Marduk in *Enūma eliš*, suggest this as well, since the commentary is the product of a theological conflict over the identity of the supreme god of the Babylonian/Assyrian pantheon. Eckhart Frahm's examples of such exegesis in his *Origins of Commentaries* certainly indicates this trend, though etymology and etymography was used by Mesopotamian scribes for other purposes also, a process that occurred in midrash as well.[161] The entire question must be carefully examined.

However, rather than focusing on the relative *simplicity* of Zoroastrian legal texts, it may be worth noting the undeniable fact that the rabbis, unlike the Zoroastrian *dastwar*s and Mesopotamian *ummânū*, were drawn to *complexity*, to baroque elaborations, creating legal categories out of the sometimes plain facts of biblical prohibitions. Thus far we may hazard a connection with Mesopotamian *Listenwissenschaft*;[162] but the rabbis were also interested in – not to say obsessed – with reifying these prohibitions and then examining their character, their boundary conditions, and their interaction. One of the best early examples of rabbinic method is one that Westbrook himself suggested, where the rabbis took four sections of CC and produced a more or less comprehensive theory of torts (though not negligence!) by reifying the scriptural cases into complete analytical categories.

Thus, as Westbrook points out, Ex 22:5–6 reads:

> If a man causes a field or vineyard to be grazed over, or lets his beast loose and it feeds in another man's field, he shall make restitution from the best in his field and in his vineyard. If fire breaks out and catches in thorns so that the stacked grain or the standing grain or the field is burned, he that lit the fire shall make full restitution.

The same principle of liability for negligence can be discerned in these two laws, but it is expressed, as usual, only through isolated examples that give no hint of the limits of that principle.

Now let us compare the treatment of these disparate provisions at the hands of the Rabbinical jurists. The Mishnah, in *Bava Qamma* 1.1, reads:

> The four "fathers" (i.e., primary causes) of injuries are the ox and the pit and the grazing beast and the outbreak of fire. The ox is not like the grazing beast, nor is the grazing beast like the ox; nor is either of these, which have life in them, like fire, which does not have life in it; nor is any of these, whose way it is to go forth and do injury, like the pit, whose way it is not to go forth and do injury. What they have in common is that it is the way of them to do injury and that guarding them is

[160] Shemesh 2009, 95–97; Schremer 2001.

[161] See Frahm 2011, 70–76 (sect. 5.1.10, "Etymology and etymography").

[162] Indeed, this aspect of tannaitic collections has been repeatedly noted by Jacob Neusner (1974–1977 and elsewhere).

> your responsibility; and if one of them did injury, whoever did the injury must make restitution for the injury with the best of his land.
>
> The scattered examples of the ancient text have been transformed into general categories which divide among them the whole field of injury, while common principles of liability and compensation are elucidated.
>
> Not only would this reasoning be beyond the capacity of the original draftsman of the Covenant Code, but it changes the substantive meaning of the biblical text. As we have the original text we are in a position to compare, but were we forced to reconstruct it from the Mishnaic commentary, the result would, for all our efforts, be bound to look very different.[163]

Westbrook's last statement must be modified, since we do find the beginnings of this sort of categorization in the Pentateuch itself. Thus (as noted above), aside from categories of commandments whose signification we can no longer recover with certainty (e. g., *torah*, *ḥoq*, *mishpat*), note the designation of negative commandments in Lev 5:17 ("commandments of God that must not be done"), the harbinger of the rabbinic *lav* or *lo ta'aseh*.

The categorization of damages in *mBava'Kamma'* 1.1 is based on an abstract analysis of four paragraphs in Exodus, but those categories, abstract as they are, are still tied to the effects of these "fathers" in the real world and the degree of responsibility or negligence to which those responsible for the damage they cause can be held. That is, they have a functionalist purpose, to assess responsibility of the tortfeasor. Still, anyone familiar with rabbinic literature knows that that is not the whole story. The laws regarding forbidden labors on the Sabbath are a prime example of the proliferation of prohibitions by analogy without (in most cases) a discernible functionalist purpose, to the point that they were described by the rabbis themselves as "[rabbinic] mountains hanging by a [biblical] hair" (mḤag 1.8). Abstraction and categorization, and their handmaiden, analogy, may be used for other purposes as well, and we shall now examine their role in early rabbinic and Qumran law.

VII. The Turn to Conceptualism

While Axial Age theory, suitably modified, has provided a framework for our cognitive history of Achaemenid Mesopotamia, Leib Moscovitz's *Rabbinic Reasoning: From Casuistics to Conceptualism*, which traces, at least in outline, the modes of thought of rabbinic texts that eventually led to the drive to conceptualization in the fifth century CE, will provide something of a framework for our

[163] Westbrook 2009, 70–71.

work on rabbinic texts.[164] Moscovitz concentrates on that turn to conceptualism (as he defines it), specifically concepts that are "quasi-philosophical" and creative, or as he puts it: "philosophical or quasi-philosophical issues such as the legal status of change, causation, and potentiality," or, more specifically, "intention, potentiality, imminence, and causation."[165] But more importantly for our purposes, he also begins to chart the *pre-* and *implicitly* conceptualist thought of the tannaim, the rabbis of the first two centuries CE. Thus, since he locates the development of these concepts in the latter half of the fourth century and particularly in the work of the fifth-century redactors of the Babylonian Talmud, he distinguishes between the "implicit conceptualism" of pre-Bavli rabbinic compilations such as the Mishnah, Tosefta, and the Talmud of Eretz Israel (hereafter; the Yerushalmi), and the explicit conceptualism of the later layers of the Bavli. Moscovitz traces the roots of the process of implicit conceptualization to the early rabbinic period, perhaps even before the Destruction of 70 CE. In doing so he studies a number of legal tropes that eventually led to an increasingly abstract view of the law, one that moved radically away from its casuistic roots. These include generalization; classification, and thus the ability (and necessity) of creating legal fictions; legal analogy; and the analysis of various legal opinions selected by association, which led to further abstraction and the creation of what he calls creative and more sophisticated types of classification and conceptualization.[166] It should be noted, however, that Moscovitz's use of the word "creative" denotes interpretations that stand at some tension to the plain meaning of the text from which later authorities derived their concepts or "grand unified theories."[167]

In the course of tracing the processes that led up to the turn to explicit conceptualization beginning in the second quarter of the fourth century, Moscovitz notes that

> tannaitic legal analogies occur more frequently in the Tosefta than in the Mishnah and predominate in the teachings of earlier tannaim, especially in disputes between Beit Shammai and Beit Hillel and between R. Joshua and R. Eliezer, although such reasoning sometimes occurs in the teachings of later tannaim …. Why analogies are used more often by (or attributed more frequently to) earlier tannaim is unclear, although it seems unlikely that this reflects the happenstance preservation of earlier analogies and/or the loss of later ones. The chronologically uneven preservation of such analogies suggests that what we have accurately reflects what there was, even if particular tannaitic analogies were lost with the passage of time. *Perhaps the more extensive use of legal analogy is due to the fact that such reasoning reflects a comparatively early*

[164] Moscovitz 2002.
[165] Moscovitz 2002, 5, 10.
[166] Moscovitz 2002, 345–346.
[167] See, for example, his analysis in Moscovitz 2003.

stage of legal development, which preceded the formation of (explicit) legal principles [italics mine – YE].[168]

This is no small point; the ability to abstract, classify, and analogize was part of the human mental armory before urban life began, and reasoning by analogy must lie behind most of the omens whose protases were painstakingly presented in slightly varied form, but scribal habit precluded the analogical reasoning behind the omen being written down and openly acknowledged. As we noted above, this did not apply to the Pentateuch, where legal analogy is used openly in at least one case, and generalizations (usually accompanied by the biblical word *kol*, "all," are frequent. In order to gain an understanding of its use in rabbinic literature, we will now examine the use of legal analogy in Qumran and in early rabbinic literature even before the time of Beit Hillel and Beit Shammai, that is, before 70 CE.

Adolf Schwartz[169] and other nineteenth- and twentieth-century writers on rabbinic biblical exegesis have already noted the large role that analogy plays in legal midrash.[170] Indeed, nearly all the modes of rabbinic exegesis involve some sort of analogous reasoning, from the obvious cases of *hekkesh, binyan av, gezerah shavah*, and *kal va-ḥomer*,[171] to others, such as *ribbuy* and *mi'ut*, which are a bit more hidden, but were noted by the medieval commentators.[172]

Vered Noam and Aharon Shemesh have recently noted a similar phenomenon in the Qumran texts.[173] The difference between the use of analogy in the Qumran texts and rabbinic literature is that in the former it is generally restricted to exegetical uses, while its use becomes a major factor even in the early debates between Beit Shammai and Beit Hillel in establishing legal norms without direct relation to the biblical text. This was a crucial step, since once legal analogy was removed from its exegetical fetters, its essential feature – the abstraction of relevant elements in two areas of ritual and their melding – became itself a subject of analysis.

In a restricted way we may see the beginnings of this process in Qumran itself, as in the *Damascus Document*: "Every /man/ over whom the spirits of Belial dominate and who preaches apostasy, will be judged according to the regulation of the necromancer or the diviner."[174] I mention this case in particular because

---

[168] Moscovitz 2002, 235–236.

[169] See in particular Schwarz 1893, 1897, and 1916.

[170] See more recently Bernstein and Koyfman 2005 and literature cited in n. 2. However, rather than examining the individual interpretative tropes of the Qumran or rabbinical texts, we are attempting, as throughout this study, to assess the cognitive style that lies behind those interpretative tropes.

[171] See Weiss 1988, 1990.

[172] See Rashi *ad* bHul 118a, s. v. *ve-im eino inyan* ; 118b s. v. *ve-ema im eino inyan le-shomer*.

[173] See Noam 2010c; Shemesh 2005.

[174] CD XII, 2–3 (= 4Q266 9 II; 4Q271 5 I). See conviently Gárcia Martínez and Tigchelaar 1997, 1:570–571.

of its use of the term *ka-mishpat*; in truth, many other regulations of the Qumran sect may be traced to some sort of reasoning by analogy and transference of a legal detail from one area to another, but without such terminology. Of course, the debates so characteristsic of even early rabbinic literature are not to be found in these second century BCE texts.

Nevertheless, we can see from the "halakhic letter from Qumran" (4QMMT) that some conceptualization had already begun by the mid-second century BCE; we need only look at 4QMMT B 55–57: "And concerning liquid streams: we are of the opinion that they are not pure, and that these streams do not act as a separative between impure and pure (liquids). For the liquid of streams and (that) of (the vessel) which receives them are alike, (being) a single liquid."[175] It would seem that the distance between analogy and conceptualization is not all that great!

Still, one may ask: what concept is being discussed here? And indeed, Moscovitz would probably deny that the concept is of great interest in the first place, since there is no philosophical or quasi-philosophical terminology in use here. Still, the writer is addressing the identity of the stream of water, whether it constitutes one entity or two separate ones. The issue is impurity and its transference, and the issue is well known from rabbinic literature, where the stream is called *nitzok*/*natzok*, "poured out," as opposed to the Qumran *mutzakot*. Generally, it would seem, at least at a certain point, the Pharisees declared that in such a case, where ritually impure liquid was being poured from a clean vessel to a unclean one, the stream of water was not considered to have joined the two vessels, and so impurity was not transferred "upstream."[176] The issue in later rabbinic terms was *ḥibbur*, "connection." Since the basic mode of transference (apparently universally, certainly in Judaism and Zorostrianism) in matters of pollution was contact, the question arises as to whether a stream of liquid poured from one vessel to another was in contact with its ends.

But the writer of 4QMMT does not put it this way; he speaks in terms of "identity." The issue is the same, the framework is somewhat different; for example, in *mToharot* 8:9, *natzok* is classified as not a *ḥibbur*, that is, not a connective between ritually pure and impure liquids. At Qumran, where *mutzakot* are connectives, there is identity; for the rabbis, the question is whether the *process* connects or *separates* the two liquids. This does not make either the writer of 4QMMT or the rabbis philosophers or Hellenizers, but both treatments of *natzok*/*mutzakot* do represent a step beyond the biblical "concept" of purity or impurity. The Bible emphasizes status – "pure," "impure" – as well as the human actor, "one who lies [with a menstruant] woman or on a bed made impure

[175] Qimron and Strugnell 1994, 52–53.

[176] There are later complications, and Beit Hillel and Beit Shammai disagree on the matter of viscous liquids, but according to mYad 4:7, the issue between the Pharisees and Sadducees was as we have stated; see Elman 1996.

by contact of some sort with a person suffering from some impurity," while the rabbis concentrate on process. In contrast, the Qumran texts, on occasion, as we have seen, will express the biblical concept (of contact impurity – a process) in the language of classification, that is, the liquid poured out is not considered apart from liquid in the container from which it came and into which it goes – a slight abstraction from the biblical concern with contact of some sort.

The point is not trivial, because it indicates that for the years 150 BCE–220 CE we must speak of degrees of implicit conceptualization, whether of status or of process, or in other terms. Indeed, at times Moscovitz himself seems to concede (at least implicitly!) that conceptualization may involve nonphilosophical, purely legal concepts as well, since most of his book deals with texts from the Mishnah, Tosefta, and Yerushalmi, for whose reasoning he will only allow the label "implicit conceptualization." But we need not get into semantics. Here in 4QMMT we may have the harbinger of later developments. Already in the middle of the second century BCE, halakhic issues were being formulated in a more abstract way; we must bear in mind that 4QMMT is a *polemic* directed to (one would assume) the Pharisees who at that moment controlled the temple. As such, 4QMMT was presumably intended to be persuasive to its readers. It is thus likely that, despite the difference in terminology (*mutzakot* versus *natzok*, if indeed *natzok* was used in the second century BCE), the two sides shared something of a similar halakhic outlook. And, indeed, as L. H. Schiffman and the late Joseph Baumgarten pointed out long ago,[177] this was precisely the case; we need only point out some salient "halakhic" concepts that turn up in CD: Sabbath limits; the exact time (more or less) of the onset of the Sabbath – which, it should be noted, actually precedes sunset, since it begins when the sun's *lower* disk touches the horizon; and things which may not be handled (*muktzeh*). Many of the issues in CD are similar to those known from rabbinic literature; here in 4QMMT we have a rethinking of the terms of those issues. I should perhaps point out that when it comes to conceptualization, it is impossible to be "a little pregnant," for one has allowed conceptualist thought patterns to subliminally infect one, as it were, or not; the "slippery slope" indeed beckons, and this is simply one indication that Hellenization had reached even the reactionary sectarians of Qumran – unless, of course, the polemic context required them to express themselves in that way. But the essential point is that they *did* express themselves in nonbiblicizing language, at least to an extent.

Still, the question of analogy remains. Do we have here a species of conceptualization without an analogical forerunner? That may be the case, but it is conceivable that the question of transference was thought of in terms of whether the water poured from one vessel to another could be compared to a horizontal

[177] Schiffman 1975; Baumgarten 1977.

stream of water, where varying parts of the stream may be conceived as being in contact with one another.

There may also have been a functionalist consideration, for this ruling has practical considerations. As I pointed out elsewhere, deciding that liquid poured out was a connective, the Qumran legislator(s) made life in Jerusalem very difficult, or even impossible, for adherents, since when one opened a water faucet (Roman water distribution systems were similar to modern ones, except the pipes were of lead), the impurity swept up the stream and *into* the water distribution system. The result was that if one lived in a district whose inhabitants included people who did not conform to Qumranites' strict standards of ritual purity, he would be unable to drink the water from his own faucet! No wonder the sectarians left the cities and settled at Qumran and supplied themselves with water from their own reservoirs and aqueduct![178]

The Pharisees, for their part, decided that the stream of water did not serve as a connective, and so they could continue to reside in Jerusalem and in other cities of Roman Palestine with "up-to-date" water systems. The implicitly conceptual explanation thus may have served functionalist purposes.[179]

It will come as no surprise that the question of connectives to impurity is discussed in Zoroastrian sources as well, given the importance of matters of pollution in the Zoroastrian ritual system. We find a similar version of this question being raised in ZFJ that will be the focus of our attention below. At this point I would simply point out that in ZFJ 506, the question of how the *sagdid* ceremony, whereby one of certain species of canine views a corpse in order to smite the demoness of corpse pollution, is applied to a corpse which is decomposed: must the dog view each separate piece of corpse, or does one piece count for all? I quote from the unpublished translation of Mahnaz Moazami.

> When the corpse is decomposed, should it be shown (to the dog) piece by piece, or when it sees one piece, then it (is considered as though) it smites all? According to the teaching of the Abargites, each piece should be shown to the dog. Kay-Ādur-Bōzēd said: It smites all (the pieces) when it sees the piece from which the soul last goes away. [507] The Medomahites and the Peshagsirites do not consider it [necessary to go to such lengths], because when (the corpse) is seen (by a dog) in direct contact, the she-demon of dead matter is all smitten (and, Zoroastrians) will be able to dispense with it (that is, the ceremony of *sagdid* will have been completed).

On the next page (MS TD2 508), the following question is considered:

> When there is dead matter inside the womb (that is, a stillbirth), does (the dog) smite the she-demon of dead matter? According to the teaching of Peshagsir, it does not smite. The Abargites perhaps consider the showing (of the corpse) to the dog (as sufficient);

[178] See Elman 1996.

[179] For a thoughtful and penetrating analysis of the problems attendant upon functionalist analysis of rabbinic sources which are not explicitly goal-oriented, see Hayes 1997, 715.

> the Medomahites turn (the woman)[180] so that it (= the birth canal) may split and (then) show it (= the embryo) to a dog. There is one who says: It will be like woven clothes (and thus turning the woman and opening her birth canal is not necessary, since) he said that when they show (= the woman) to the dog, the she-demon of dead matter is smitten; and in my opinion, it will be (smitten), (and likewise), according to Peshagsir, when (the dog) sees it by connection, then it is smitten (that is, the dog's gaze goes through the interstices of the material, and thus "there is one who says," the final editor ["in my opinion"], and Peshagsir all essentially agree).

In other words, the editor weighs in on the side of more practical, or functionalist, considerations.

Apart from this aspect of the case, however, and speaking primarily of the analogical mode of analysis employed here, this passage is not atypical of the modes of reasoning in both ZFJ and other fifth- and sixth-century Zoroastrian compilations, though the citation of more than two or three opinions in 508 is unusual. For our purposes (that is, of cognitive style), it is the analogy of the woman's pudendum with woven cloth that is of interest. However, here the term *ēw-kardagīh*, "direct connection," receives a more abstract connotation than usual, where *sight* rather than touch can create a connection. This is not surprising, inasmuch as late antique (and medieval) theories of sight envisaged rays proceeding from the eye; menstruant women transmit impurity by sight in Zoroastrian law, and cause damage or illness by sight in many cultures, not to mention that the entire ceremony of *sagdid* depends on the dog's vision, to the extent that ZFJ deals with the question of the efficacy of a blind dog's *sagdid* (ZFJ 504).[181]

Let us now return to the question of the Bavli's cognitive style. There is logical order to Moscovitz's ordering of his chapters, which proceed from generalization and principled reasoning to classification to legal fictions to legal analogy and only then *explicit* conceptualization, an order that intuitively seems correct. In order to gain some understanding of experience, one must generalize, which is done by recognizing some pattern, but, having done so, one must order and classify one's experiences in order to be able to assert some control over future events. However, once one has done so, one must also deal with the unexpected, hence the use of legal fiction and analogy. After all this, one may conceptualize.

Nevertheless, we saw above that classification and analogical reasoning had already developed in the earliest humans known to have left the savannas of East Africa, but our examination of Sumero-Akkadian elite thought has shown that elite thinking privileges certain types of analysis over others, and so the fact that humans are capable of various modes of thought does not mean that intellectuals will make use of all of them! Thus, what seems intuitively obvious may not be so in reality, especially among people whose callings and occupations

[180] This is my suggestion, not that of Dr. Moazami.
[181] See Secunda, forthcoming, and Neis 2013.

require them to justify themselves on the basis of their superior knowledge and reasoning power, as did the Babylonian scribal elite. Indeed, Moscovitz makes no particular claim for his order. But generalizations and principled reasoning of varied scope are already common in the Pentateuch, even when explicit legal analogies are scarce. Moreover, even when we do not fully understand them, principled theological statements are among the weightiest pronouncements that Israelite religion bequeathed to humanity.

Again, even according to Moscovitz *implicit* conceptualization is typical of tannaitic literature, and as he sets forth in detail, implicit conceptualization was used alongside reasoning by analogy or classification through most of the tannaitic period. The basic difference between the two is that explicit conceptualization is both explicit and is expressed and defined with the use of a verbal noun. The nominalization makes the concept easier to handle. However, implicit conceptualization, even if somewhat "fuzzy" or inchoate, nevertheless involved conceptual thinking, and when we expand the rubric beyond the philosophical or quasi-philosophical to the legal concepts, again employing Moscovitz's categories a somewhat different picture emerges. We shall return to this point in section X below.

Nor was the tannaitic period monochromatic. At one point Moscovitz notes that the more common use of analogy in earlier tannaitic literature may be due to its less sophisticated nature.

> Perhaps the more extensive use of legal analogy [that is, at the time of R. Joshua and R. Eliezer, the late first century CE – YE] is due to the fact that such reasoning reflects a comparatively early stage of legal development, which preceded the formation of (explicit) legal principles …. In most cases the analogue and the target case derive from the same legal domain or from closely related legal domains. This point has an important corollary: most tannaitic legal analogies seem relatively plausible, although we occasionally find exceptions.[182]

This last requires a bit of explanation. In Moscovitz's understanding, there is some tension between sophisticated conceptualization and the plain-sense meaning of the texts being conceptually explained; in his scheme, then, plausibility is not a virtue.[183] Whatever one's value judgment, or intuition, on the issue, Moscovitz has demonstrated in a number of detailed studies that this is indeed the case.[184] Once again, however, even early rulings may be what he himself calls "non-principled," as in the case of *mYevamot* 15.1–2, where initially Beit Hillel refuses to extend a ruling beyond its very specific venue, where a woman comes "from the harvest in the same district," and Beit Shammai protest that the

[182] Moscovitz 2002, 236.

[183] A subsidiary question would be the relationship of explicit conceptualization to implicit conceptualization in specific cases; is the former a development of the latter? It would seem that at times it is, and at times it is not.

[184] Moscovitz 2003.

details make no legal difference. In the end, Beit Hillel changes its ruling.[185] If we are to take this case as representative of a certain stage in the development of halakhic reasoning, we may say that the Hillelites moved from being strict constructionists to a more flexible stance in applying precedents. I am inclined to grant this report a certain credibility precisely because it is a logical and cultural *lectio difficilior*. It may therefore reveal something of the nature of early halakhic thought. Later generations assumed that prior to this period there was an Edenic time in which there were no halakhic disputes; it was only the negligence of the disciples of Hillel and Shammai in mastering their subject matter that caused "disputes to multiply in Israel" (bSot 47b). The case of the Hillelites' hyperliteral reading may reflect a period that was reluctant even to employ analogy to derive new rulings, a state of mind that changed in the generation after the destruction, when even a scholar as conservative as R. Eliezer would do so.[186]

Moscovitz has thus suggested two tannaitic turning points, and we will suggest a third. The debates between the Hillelites and Shammaites suggest a turning point in the use of precedent, analogy, and principle; the debates between R. Joshua and R. Eliezer an increase in the use of analogy, and the work of R. Akiva before the Bar Kokhba rebellion involved, among other achievements, an omnisignificant approach to Scripture, that is, as James Kugel has suggested and I have argued in detail for later periods, a view of Scripture that asserts that "nothing in the Bible … ought to be interpreted as a product of chance, or, for that matter, as an emphatic or rhetorical form, or anything similar, nor ought its reasons be assigned to the realm of Divine unknowables. Every detail is put there to teach something new, and important, and it is capable of being discovered by careful analysis."[187] Although painstaking and precise analyses of Scripture may be found in earlier centuries, never had the omnisignificant principle been so broadly and deeply employed as it was by R. Akiva, and it would seem from debates preserved in the halakhic midrashim that his contemporaries took notice of the sea change that his work represented.[188] As we shall see, the fifth century CE saw the beginnings of a similar attitude to the Avesta in Iran; even when texts were viewed as of divine authorship by the ancient Babylonian scribes, they did not apply such painstaking efforts to their elucidation.

One effect of the adoption of an omnisignificant approach to the biblical text is that hyperliteral interpretations created new legal categories, or new understandings of old categories. A good example is the requirement that prohibitions be accompanied by prohibitory biblical language – "thou shalt not." The question of whether a proper positive or negative commandment (whose roots may be discerned already in Lev 4:2, 13, 22, 27, 5:17) requires the formulation

[185] Moscovitz 2002, 69.
[186] See Gilat 1984, 89–98, 121–127.
[187] See Kugel 1981, 103–104; see also Elman 1993, 2002.
[188] See Hoffmann 1928/9, 5–11; Harris 1995, 51–70, 231–232; Yadin 2004; Kahana 2006.

"thou shall not" to be considered a sin became a point of contention between the schools of R. Ishmael and R. Akiva in the second century CE. As Aharon Shemesh has shown,[189] the Ishmaelian school held to a more natural view that the violation of negative commandments required a "positive" action, while the school of R. Akiva required that the relevant biblical verses express the prohibition in specifically prohibitory language ("thou shalt not"). Certainly a large part of this turn to the biblical text is connected with R. Akiva's championship of biblical omnisignificance. I suspect that there is another factor, though the mix cannot of course be determined: the Roman conception of law as formula and classification would have permeated Mediterranean society, without any need for specialized knowledge of Roman law – one need not have been a Roman lawyer to have grasped this notion.[190] As Barry Nicholas put it,

> Each cause of action was an appropriate form of action, and … each action was expressed in a set of words or *formula*, which constituted the pleadings … in which the action was defined …. Precisely how and when the formulary system was introduced is uncertain. The decisive step was evidently taken by statute – a *lex Aebutia*. What evidence there is suggests that this lex must have been passed in the first three-quarters of the second century B. C.[191]

Thus, in order to bring an action, i. e., to sue someone and thus convict him of wronging someone, there had to be a rubric under which he could be sued and under which he had "transgressed." If Nicholas is correct, the introduction of the formula took place well before the time of R. Akiva and R. Ishmael. Could this commonplace of Roman law have been sufficiently "in the air" in Roman Palestine in the second century CE to have influenced the direction of this debate? The issue of the relationship of Roman and rabbinic law has recently aroused renewed interest, and I raise it here only for heuristic purposes.

VIII. Zoroastrian Legal Midrash

In both rabbinic Judaism and Sasanian Zoroastrianism, each forbidden substance eventually comes with its own parameters – the minimum amount that triggers the transgression of consuming or touching it, its attendant polluting capability, and so on. This predilection of the rabbis is well known, but the *dastwar*s also demonstrate this tendency, at least in the late Sasanian period, although to a lesser extent. For the rabbis, a ritually significant part of a corpse is polluting, though there may be disputes about what constitutes "significant." Likewise, in

[189] Shemesh 2002/3.

[190] Though the question of the influence of Roman law on rabbinic halakhah remains open, most scholars are skeptical that any provable case can be made; see Cohen 1966, but see also Daube 1980.

[191] Nicholas [1962] 1987, 20–21.

Zoroastrianism, not only are dead bodies *nasā*, "dead matter," that pollutes by contagion, but they pollute in as minute an amount as a fly can carry, as a Pahlavi interpretation of AV 5.1–3 bears out. Eventually, ZFJ inquires as to the minimum amount of dead matter that will engender the sin of "chewing dead matter" (*nasāy jōyišnīh*, see ZFJ 515–517). Again, in PV 5.7 Rōšn rules that although the man who goes down to the stream to draw water and carefully observes the water to insure that there is no dead matter in it but inadvertently comes into contact with dead matter is certainly polluted, he is not a sinner deserving death. I suggest that he is drawing an analogy between the cases of firewood gathering and water drawing (water too is a holy entity that can be polluted by dead matter), and the minimum amount of dead matter for which one must be concerned in any amount – the rabbinic *mashehu* (a minmal amount) – because that is what a fly can carry. That this is the minimum amount of *nasā* that can cause pollution is ratified by Rivāyat i Ēmit ī Ašawahistān 16 as a *tēx* (a [needle's] point).[192]

Not only that, but *padyabīh* are "purities," which are particularly susceptible to pollution, and may not be approached by people who may pollute them. Indeed, this becomes a point of contention between two late Sasanian *dastwar*s, Dād-Farrox and Weh-Šabuhr, the former holding a stringent view and requiring a distance of thirty paces to be maintained from such substances, while the latter rules more leniently, requiring only three paces (PV 5.34); ZFJ, half a century later or so, would add a third authority to the debate, Nēryōsang, who would support the stringent view (ZFJ 455–456), and thus, perhaps, make that normative, at least in the view of one of its redactors; however, ŠnŠ 2.42 adopts the lenient view.

A process roughly similar to the one that Westbrook pointed out for CC and the Mishnah seems to have occurred in regard to AV 5.1–3 in the commentary in PV 5.4, where an originally theological question is mined for its supposed legal/ritual implications. The case concerns a pious Zoroastrian who unwittingly feeds polluted wood to the fire; the question that Zoroaster poses is this: is the wood gatherer a sinner? Ohrmazd provides a general rule: if wood intended for the fire (and all fires are sacred to some degree) became polluted in a way that the one who gathered it could not have been aware of, it does not make the one who gathers it a sinner. The Middle Persian text is itself first and foremost a translation of the Avestan text, which reads as follows, it will however serve our purposes admirably:

> *Videvdad* 5.4
> For, if these dog-borne, bird-borne, wolf-borne, wind-borne, and fly-borne corpses were to make a man guilty, right away the Order of my entire existence with bones would be crippled by the large amount of these corpses lying dead upon this earth. Every soul would be shuddering (in fear), every body would be forfeit.[193]

---

[192] Safa-Isfehani 1980, 92–93.
[193] Skjærvø 2011a, 226

This stanza/paragraph has been rendered in PV as follows:

> If dead matter brought by dogs, brought by birds, brought by wolves, brought by the wind, or brought by flies had made a man guilty of a crime – that is, he would have become guilty of (this) crime "in the usual way" –
> [then] "quickly" – that is, this would have been soon – ,
> the entire material existence of mine would have been seeking the destruction of righteousness – that is, the path of a life of good deeds would have been destroyed for them.
> "Howling" [booing] would be given to that soul – that is, their souls would have been booed and chased from Paradise –
> being guilty of a *tanābuhl* crime – that is, deserving of death –
> owing to the preponderance (from the great amount) of corpses of those who pass away on this earth. [194]

And finally:

> Abarg said: This question was posed and the decision made regarding *hixr* [dried dead matter], for when a bird has eaten something, [what comes out] is *hixr*.
> Mēdōmāh said: This question was posed regarding both [i. e., *hixr* and *nasā*, "dead matter"], and the decision was made regarding *nasā*. For it is *nasā* until the bird digests it.
> They agreed that (*ham-dādestān*), by both teachings, when they have committed what counts as a "heavier" (crime), then one has also committed what counts as a "lighter" (crime).

The Avestan text warns that "the Order of this hymn would be crippled," referring to the ancient poet-sacrificer of Old Avestan times,[195] but PV's rendering instead speaks of "sin" and "righteousness" and the "path of a life of good deeds." Thus, quite apart from a philological commentary – "preponderance" (*frahistīh*) glossed with "large amount" (*wasīh*) – we have a *theological* gloss that translates the ancient thought-world of the Gathas to that of a more "up-to-date" theology. Then in turn Abarg and Mēdōmāh (early fifth-century authorities who seem to have founded schools, or at least had followers who were called "Abargites" and "Mēdōmāhites") translate this theological language into what we might call "halakhic" discourse, the language of the rules of ritual, the language of degrees of pollution, and how one degree is converted into a lesser one. On the basis of their response, it seems that Abarg and Mēdōmāh debated the parameters of the boundary between *nasā* and *hixr*, two degrees of pollution. In other words, they anchored a legal/ritual point in a theological passage.

There is another aspect to this dispute that should be noted. It is likely that the two categories existed before the disagreement between Abarg and Mēdōmāh, and here in PV they were merely attempting to ground their views in the Avestan text, similar to the process that Adiel Schremer and Aharon Shemesh have recently suggested for the early development of *midrash halakhah* in rabbinic legal history (see above). The question, perhaps unanswerable, is how much

[194] This and the following translation were provided privately by Skjærvø.
[195] See Skjærvø 2002, 2003.

earlier may we assume that these Zoroastrian categories existed. Whatever the date, however, their appearance in PV demonstrates that an invigorated intellectual life was coming into existence in the fifth and sixth centuries, perhaps in connection with the reduction of the Avesta to writing.

The second category, *hixr*, which is usually translated as "dry dead matter," differs from *nasā* in that it does not pollute dry substances (PV 8.34). According to Abarg, *nasā* becomes *hixr* when it is *ingested* by an animal; according to Mēdōmāh, this occurs only when the *nasā* is *digested*. How do we decide between the two positions? The redactors can do no better than carve out an area of agreement, as we noted above:

> **Abarg** said: This question was posed and the decision made regarding *hixr*, for when a bird has eaten something, (what comes out) is *hixr*.
> **Mēdōmāh** said: This question was posed regarding both [i. e., *hixr and nasā*], and the decision was made regarding *nasā*. For it is *nasā* until the bird digests it.
> **They agreed** that, by both doctrines, when they have committed what counts as a "heavier" (sin), then one has also committed what counts as a "lighter" (sin).

In other words, the redactor(s) have demarcated an area of agreement between the two positions, but she/they have done so by main force, since it is by no means clear that Abarg would agree that using wood on which *hixr* has been deposited – that is, *nasā* that has been vomited out but not digested – is to be judged as severely as *nasā* that has been digested.

There is another possibility, however. While the debate between the two scholars turns on the question of when *hixr* becomes *nasā* – when ingested or digested – the redactor employs the language of lighter and heavier sin. In order to demarcate an area of agreement, he reverts to the Avestan language: in any case, he writes, when one does something forbidden with *nasā* he has committed a sin in regard to *hixr* as well. The reason for this is that the levels of sin in later Zoroastrian thought are based on the avestan system in which each sin is punished with a certain number of strokes with a whip, which in later time was "commuted" to a monetary fine. Thus, if one suffers the greater penalty, one will have suffered the lighter one as well. It is this feature of the Zoroastrian system of sin and punishment that the redactor relies on to make peace between Abarg and Mēdōmāh.

It is also noteworthy that this technique of *hamdādestān* (agreement), parallel to the rabbinic *ve-shavin*, appears only here in PV, and only twice more in ZFJ (510.1 and 632.9). It would seem that this was a tentative solution proposed by the redactor(s) that did not work out in other cases. That is, as I understand it, in any case, feeding wood polluted by *hixr* is still a sin, and so to be avoided. In the end, neither ZFJ nor ŠnŠ included this case in their collection of hypothetical cases, presumably because, in a practical sense, it could hardly be known whether the bird had vomited or defecated on the firewood. Again, in any case, the redactor has returned to the original avestan question of whether offering

such firewood to the fire is sinful. Apparently, the act is sinful, but the one who gathers and offers the firewood is not – as Ohrmazd rules – a sinner. That is, this sin does not "go to the root," it is not added to the gatherer's store of sins to be accounted against him on his death.

We see here one of the consequences of having a God who commands, and whose commands are enshrined in a compilation/composition that is transmitted (presumably) with minimal changes. Such a textual canon (not yet a "*script*ure," since it was orally transmitted) requires interpretation, and interpreters will differ. Means must be devised to decide between these interpreters' views.

IX. The Problem of Indeterminacy

Nonetheless, this question raises a much broader problem, which PV's *ham-dādestān* did not solve: how to determine the law in cases of disputes between major authorities. As we shall see, the redactor(s) of ZFJ attempted two partial solutions. Given the identical problem faced by the fifth- and perhaps early sixth-century redactors of the Bavli, this question assumes a particular importance.

ZFJ's most frequent solution was to decide between the disputing views by adducing a third opinion that would place one of the disputants in the minority. This occurs too often to be by happenstance, especially when PV presents us with an alternative version of the dispute with only two sides. Alternately, and quite in a rabbinic spirit, the views of one of the disputants may be interpreted so as to narrow or eliminate the dispute. Thus, to take this second route first, since I have only one example of it, one of the redactors of ZFJ, whom we can only identify by the phrase with which he introduces his comments, as *az man* ("in my view"), eliminates a potential dispute by limiting the range of one disputant's view, quite in the spirit of the Bavli's *la shanu*. In a passage sent me by Shai Secunda's Jerusalem group (ZFJ 459.13–460.8), *az man* suggests that the Abargites, despite appearances, do not actually disagree with the Mēdōmāhites. It seems that a doorway or vestibule that separates a space that contains dead matter – a piece of a corpse, for example – from another room or house or other architectural unit, prevents the pollutions from spreading if the "form" – the architectural division (*ēwēnag*) – is "clearly visible (*paydāgēnīd estēd*). So the Mēdōmāhites. The Abargites suggest viewing the vestibule as divided in half (*dargāh nēm-ēw abar ēn xanag ud nēm-ēw abar ēn <xanag>*),[196] thus opening the possibility of disagreement. The redactor (re)interprets the Abargite view in conformity with that of the Mēdōmāhites; in Secunda's tentative translation: "In my opinion, this (teaching of the Abargites) refers to that (case) (when) the door is not suspended (?), and when its form is not clearly visible." Thus, their

[196] Similar to mOhal 6:3, 4; 12:8.

teaching, which seems to conflict with that of the Mēdōmāhites, actually refers to a case about which the Mēdōmāhites might not disagree.

This case is important for another reason, since it represents an example of second-order analysis, and a redactional attempt at that. *Az man* has *reinterpreted* the view of the Abargites. Note that he employs the expression *ān bawēd*, "this applies." As it happens, this phrase appears more than three dozen times in PV, thus opening the possibility that there, too, at least in some cases, this may represent a redactional attempt at reconciling differing views.

Still, we must admit that the Bavli resorts to two types of second-order analysis that are generally lacking in Zoroastrian sources: testing decisions or suggestions against more authoritative texts – from the Bible through earlier rabbinic literature – and against generally accepted jurisprudential principles. There are dozens of these rules, which vary from those that are relevant to one area of the rabbinic legal system to those that cut across several areas. Indeed, one of the hallmarks of the rabbinic system is its transference of principles engendered in one area of discourse to another one, or its self-conscious limitation of a principle to one area rather than another.[197] This type of analysis makes its appearance in ŠnŠ 3.29 as well as ZFJ 562, where the observation is made that the demoness of menstrual impurity is far stronger than the demoness of dead matter, which is why a menstruant woman is able to transmit impurity through her gaze, but that development may be dated to post-Sasanian times.

This is all the more puzzling since above we found the beginnings of what may be termed second-order analysis in the Avesta itself. However, this may be connected with the Zoroastrian difficulty of deciding between differing opinions. Since the Avesta itself was transmitted orally for so long, and its very existence as a text depended on the *authority* of the transmitters, there was no room for questioning their decisions (somewhat analogous to the medieval Catholic Church's prohibition of Bible-reading for the laity, perhaps). In rabbinic culture, while the Mishnah may have been orally transmitted for centuries, the habit of testing opinions against a written Bible would have accustomed the rabbis to seeing their Bible and oral traditions in a hierarchal manner, with texts of greater or lesser authority.

The second technique is to construct a majority so that one view is in the minority. I have already pointed out one example of this elsewhere,[198] but now I see that the phenomenon is much more widespread. The case I have already dealt with, involving a dispute between Sōšāns and Gōgušnasp as to whether non-Zoroastrian corpses can pollute Zoroastrians (PV 5.38), appears in ZFJ 456.4–13 as a dispute between Sōšāns, Kay Ādur Bōzēd, and Gōgušnasp, where

[197] See Moscovitz 2012.

[198] See Elman 2010a, 39, referring to the first part of the article (Elman 2005 [2009]); 2008, 15*–26*.

Sōšāns holds the minority opinion that they do not. But in PV 5.38 the dispute is only two-sided, between Sōšāns and Gōgušnasp. Even before becoming aware of the parallel in ZFJ, I pointed to the incongruity of a dispute between Sōšāns and Gōgušnasp, since ordinarily it is Kay Ādur Bōzēd who is Sōšāns's disputant, and Abarg who is Gōgušnasp's. And in ZFJ we have a version of the dispute in which Kay Adur Bōzēd actually appears.[199] However, in revising this paper I have come to see that Gōgušnasp offers a third possibility: Sōšāns holds that non-Zoroastrian corpses do not pollute Zoroastrians, but Zoroastrian corpses pollute non-Zoroastrians; Kay Ādur Bōzēd holds the reverse; and Gōgušnasp actually holds that Zoroastrian and non-Zoroastrian corpses are mutually polluting, because even non-Zoroastrians can become "orderly" – righteous.

Another example of the technique of creating a majority (already noted above) occurs in regard to a dispute between Weh-šahbur and Dād Farrox regarding the requisite space to be maintained between pollution and "purities" (three or thirty steps) in PV 5.34, which appears in ZFJ 456.2–4 as a three-way dispute between Weh Šāhbur, Dād Farrox, and Nēryōsang, with Weh Šāhbur's lenient opinion in the minority.

There is much more to this, however. ZFJ introduces us to a situation that could not have been anticipated based on PV: the existence of three Zoroastrian schools. Two of them – the Abargīg and the Mēdōmāhīg – seem to have been made up of followers of the two well-known *dastwar*s whose views we have already encountered, Abarg and Mēdōmāh. The "teachings" (*čāstag*) of each of them appear once in the Sasanian law book (MHD 52.3). But ZFJ introduces us to a third school, apparently named after one Pēšagsīr; the master and his school appear some thirty-four times in ZFJ. In ZFJ 506.14–507.2, the Pēšarsīrīg join with the Mēdomāhīg against Kay Ādur Bōzēd; in 524.2–10, they join the Abargīg against the Mēdōmāhīg, as they do in ZFJ 587.3–8 and 629.11–630.11 as well; in 570.14–571.4 they join the Mēdōmāhīg against the Abargīg. In ZFJ 523.8–12 the teachings of the Pēšagsīrites and the Abargites are in partial – but not total – agreement.[200]

On the other hand, in ZFJ 507.13–508.2 the Abargīg, the Mēdōmāhīg, and the "teaching" of Pēšagsīr all have different opinions, as they do in ZFJ 509.4–15 (and possibly ZFJ 455, as noted above in regard to the three individual authorities). However, in the latter case, while each has its own opinion, the redactor adds *mard ham-dādestān bud hēnd* – "people are in agreement" – in an opinion that seems to support the Abargites. In ZFJ 519.8–11 the "teachings" of Pēšagsīr, Māh Ohrmazd, Gōgušnasp, *and* the Abargites all seem to conflict. In ZFJ 521.2–6 the teachings of Sōšāns and the Pēšagsīrīg agree, but so do Kay

[199] For details, see Elman 2005 [2009]; 2010a.

[200] On Pēšagsīr (or Pēšag-Sar) and Abarg, and, indeed, on the interrelations between the Pahlavi authorities, see now Secunda 2012, esp. 344–345.

Ādur Bōzēd and the Mēdōmāhites, thus yielding a standoff. In 579, there are three opinions again: the Pēšagsīrites, the Abargites, and "there are those who say." In ZFJ 580.1–10 Dād-Farrox ī Ādur-zandān agrees with the Abargites while the Mēdyōmāhīg and Kay Ādur Bōzēd disagree, each in his/their own way. In an interesting departure, in ZFJ 632.6–7 they stand alone against both the Abargites and the Mēdōmāhites, who in this instance agree. Still, ZFJ contains at least seven cases in which two authorities (or schools) are in agreement against a minority of one – a decided improvement over PV.[201]

Nevertheless, there remain about a dozen unresolved disputes, and no indication of how they were resolved in practice. Did some authorities carry more weight than others? Given PV's attempt to find an area of agreement, that was not the case in regard to Abarg and Mēdōmāh, at least in the opinion of the redactor(s) of PV, though that might not apply to other *dastwar*s. One possibility is that the individual Zoroastrian was allowed to choose his own authority, or perhaps family tradition determined his choice, and that authority was his *rad* (spiritual master; see PV 5.25–26), to whom he would confess his sins and ask for forgiveness of one-third of his sin.[202] But how would the *rad* himself have decided among conflicting opinions?

Before continuing, let me place ZFJ within the context of the other Pahlavi texts that we have listed above. The earliest authorities named in all the Pahlavi texts, Sōšāns and his disputant (not just in ZFJ, but especially in the *Hērbedestān*) Kay Adur Bōzēd, are not associated with schools at all. This suggests that they did not found recognized schools; indeed, the schools do not appear in PV at all. Thus, either there is a chronological gap between PV and ZFJ long enough to allow for such a development, or there is a political motive for the fact that neither Pēšagsīr himself nor his school appear in these fifth-century Pahlavi texts (*Hērbedestān* on priestly training, PV on pollution, and *Nērangestān* on the liturgy); a jurisconsult of that name does appear in the seventh-century MHD, but may refer to someone else. Given the rarity of the name, though, it may indeed refer to this teacher. However, neither of the other schools appears in these texts, either.

The fact that ZFJ is the only document in which Pēšagsīr and his school appear (and in which the other schools occupy such a space) is tantalizing – and suggestive, though Secunda's recent suggestion that the few scattered references to the sage (but not to his school) indicate that he was a minor figure, and that his prominence in ZFJ is simply because the editor of ZFJ considered himself an adherent of that school, is attractive.[203] Thus, when Abarg (11 times versus 35

[201] Human nature being what it is, we should hardly be surprised that the problem of resolving disputes continued; see Kreyenbroek 2003, and note the dispute between Zādspram and Manusčihr in the Epistles of Manusčihr.

[202] See Kreyenbroek 2003, 8–9; 1987.

[203] Secunda 2012, 344 and nn. 120–123.

times for his school) and Mēdōmāh (only once versus 51 times for his school) appear in ZFJ,[204] it seems – at least at this point in our study – that ZFJ breaks no new ground when compared to PV. Who, then, are the members of these schools, and where did the compilers get their information from? It is not likely that the anonymous Abargites and Mēdōmāhites are otherwise known from PV, since by and large the same names appear in both compilations, with very few exceptions: Māh-Ohrmazd (519.12), Dād-Ohrmazd, Mardbūd ī Dād-Ohrmazd (probably 494.9 and 514), Weh-šābuhr ī herbed <ī> Sīstan (ZFJ 541.5–6), Wašām (?) (553.6). This leads to a question which I will not attempt to answer at this time: Is ZFJ a product of Pēšagsīr and his school, which are mentioned some 35 times (though the Abargites are mentioned 35 times and the Mēdōmāhites some 51 times), or an unknown allied school, perhaps one not even mentioned?

So much for the problem of decision making. ZFJ is a fascinating text for another reason, one whose full explication must await a full translation and commentary on it: its commentaries represent a quantum leap forward in ritual conceptualization, and almost all of it in ways that will be familiar to students of rabbinic literature. This is hardly unexpected, because the beginnings of this process are apparent in PV. For example, Gōgušnasp employs the word *gugārd*, "digested," not in its literal sense, but as a ritual/legal category, one that could be applied to fat on a leaf (PV 5.4.). The word *gugārd* has thus become an abstract *legal* term, since fat can hardly be digested by a leaf in any material sense; it seems to refer to an amelioration of the polluting power of fat.

Again, as Mahnaz Moazami and I have discovered, ZFJ suggests a method of nullifying the polluting power of *nasā* that has dissolved in river water when snow and hail have mixed with that water, similar to the rabbinic *bittul be-rov*, "nullification [of a forbidden substance] by its becoming mixed with a majority quantity of permitted substances," though here it seems to have been a matter of quality rather than quantity (ZFJ 499.13–14). This is also in line with the Zoroastrian tendency for leniency in these matters, as we noted above.[205]

According to PV 6.24–25, the "original teachers of the Mazdayasnian religions did not take account of the measure of *hixr* and *nasā* (*pōryōtkēšān hixr ud nasā paymānag āmār nē kard*)," that is, as I understand it, they did not establish the minimum measure of dead matter, which eventually was determined to be any amount for causing pollution (following PV 5.3, a view adopted in *Rivāyat ī Ēmīt ī Ašawahistān* 16), as noted above.[206] ZFJ 654.12 sets the minimum amount needed to transgress the sin of "chewing dead matter" (*nasāy jōyišnīh*) as the amount that imparts taste (*mizag danēd*) (ZFJ 654.12–13), similar to the rabbinic *noten ta'am*.

---

[204] Secunda 2012, 344 n. 117.
[205] We hope to publish a study on this passage and related ones in the near future.
[206] See Safa-Isfehani 1980, 88–89.

I may point to three further developments in sixth-century elaboration and analysis of this system of the pollution of forbidden substances. As Mahnaz Moazami has discovered,[207] ZFJ 479 continues the elaboration of "counting sins," i. e., violations of prohibitions in terms of *tanābuhl*-sins in PV 6.5, by adding a conceptual approach to PV's scripture-based approach; parallels to this have been pointed out by Aharon Shemesh in early rabbinic literature.[208] That is, different ways of counting sins were juxtaposed: one, based on PV itself, where there are at most only two agricultural labors prohibited in a field in which a man or dog had died in the previous year, which is apparently based on a *midrash halakhah* on PV 6.5; a second, which the priests recommend, is that each and every agricultural labor must be atoned for; and the third, the redactor's view, which seems to set a time limit in which labors count separately. It would seem that the Avesta began to function more like the rabbinic canon, not just in terms of omnisignificant interpretation, as Vevaina, Secunda, and Kiel[209] have shown in detail, but also in an even more fundamental way. To return to an example mentioned all too briefly above, in PV 6.1–5, a distinction emerges between acts that carry a *tanābuhl* sin because they are explicitly mentioned in the *Videvdad* with reference to a punishment, in this case two hundred lashes, like plowing and harvesting, and those whose violation does not carry any *additional* penalty, such as irrigating. Performing two of these sinful acts carries a penalty of two hundred lashes, but so does performing three of them, as the redactor notes. It is significant that this results from a deduction from the avestan text, and is hardly explicit in it. The result is similar to the rabbinic distinction between *de-oraita* and *de-rabbanan*, those prohibitions that are biblically derived and those that are rabbinical in origin. Moreover, PV 6.5 adds yet another degree of sinfulness – things that, while prohibited, do not carry any penalty, such as treading or covering over the ditches dug around a tree.[210] Finally, the redactor (of PV) himself notes that one transgresses two *tanābuhl*-sins for two or three actions – and not more, thus (in his view) setting a maximum of two sins for any number of actions. Turning to the discussion in ZFJ, another view, which is credited to the *dastwarān*, is presented. According to this view, each separate agricultural labor is in itself a separate sin, even beyond the number two (a doctrine which would have been quite profitable to the priests), and third, the view of *az man*, that all agricultural work done during one specified amount of time (or, perhaps, in one place, i. e., field – the word used is *gyāg*) is to be counted as one *tanābuhl*

[207] We presented some of this material at the Association for Jewish Research convention in Boston in 2011.

[208] Shemesh 2002/3.

[209] Vevaina 2007; Secunda 2008; and Kiel 2011.

[210] Mahnaz Moazami and I presented this example at the 43rd Annual Conference of the Association for Jewish Studies in Washington, DC, in December 2011.

sin. We may point to the rabbinic weighing of Sabbath labors as a pertinent parallel (mShab 7:1). This seems not to have left its mark on ŠnŠ and later works.[211]

Another development evidenced in ZFJ, which likewise was not accepted by mainstream Zoroastrian tradition as represented by ŠnŠ, is the innovation (likewise attested in the Bible and rabbinic literature) that pollution can occupy space. In PV 6.5 and related texts, pollution was guided in two dimensions by a tree, a roof or wall, or a similar natural or architectural formation. However, in ZFJ 482–483 as compared to PV 6.5, and especially ZFJ 677 as compared to PV 5.44, pollution is seen as occupying space.[212] Initially, I did not connect this "discovery" of the third dimension with ZFJ's interest in architectural figurations, as noted above and elsewhere. Moreover, I had not yet become aware of the other developments with which we can credit ZFJ. These aspects of the Zoroastrian system begin to appear *only* in late Sasanian times, and only in embryonic form. What role the rabbis, or an individual rabbi, if any, or further Hellenization may have played in these developments remains to be determined. However, whatever the case, two exciting possibilities open up before us: either there was some sort of "rabbinic" influence, as Spiegel posited, or these innovations point to the possibility that a "rabbinic"-style mode of analysis could have developed independently of the rabbis in the conditions of late Sasanian Iran, which to my mind is the more likely possibility (see above).

At any rate, by the late fifth century, three essential elements of a rabbinic-like system were in place: the distinction between sins against God and those against man, the distinction between sins which carry a scripturally mandated punishment versus those that do not, and the establishment of abstract categories of pure and impure substances and processes. As already noted, omnisignificant avestan exegesis, similar though not identical to the rabbinic view of the Bible, began to (re?)-emerge in the late fifth century.[213] I would like to add yet another development. In the sixth century, as we now can see from ZFJ, there was a disagreement between the three schools that had emerged since the close of the PV as to the authority of a literal interpretation of scripture (ZFJ 587.3–8 as opposed to PV 16.12). The *Vīdevdad* requires three pits for the purification of a menstruant

[211] Dr. Moazami and I are preparing a treatment of this dispute for publication. For a discussion on a related matter, how knowledge of sin affects a sinner's culpability in Zoroastrian and rabbinic thought, see Kiel 2011, chapter 2, section 3.

[212] These texts and others will be analyzed in Skjærvø and Elman, forthcoming.

[213] I say "re-emerge" because Vevaina has shown that the Young Avestan interpretation of the Gathas operates in similar ways; however, it seems to me that if there had been a continuous line of application of the omnisignificant principle, and a concomitant interpretation of the Avesta, fifth-century Avestan interpretation in PV would have been more consistent. Since we lack *zand* texts between Young Avestan and late Sasanian times, the issue is not likely to be resolved with any degree of certainty. However, see Vevaina 2011, but note that the texts that Vevaina deals with are theological and eschatological and not legal; see his recent discussion (Vevaina 2012).

woman, as the Mēdyōmāhites maintain, but the other two schools suggest that only one pit is needed, if it is properly dug. We can thus view the two Sasanian religious systems as mirror images of each other, or, to use another metaphor, "non-identical twins."[214]

However, these rabbinic discussions differ from the Pahlavi texts in several important ways. First, the Zoroastrian texts seldom venture into cases that are unlikely to occur; while the Bavli will occasionally question whether a certain possibility is likely or even possible, rabbinic tolerance for hypothetical cases is far higher than that of the *dastwar*s. Second is the rabbinic drive for second-order analysis, and third the Babylonian Talmud's desire for explicaton and explanation.

In sum, Spiegel was correct in his basic observation: the two Sasanian religions, though different in the degree of intensity in which they addressed legal/ritual questions, both generated religious systems of the same type, in sharp contrast to ancient Mesopotamian religion, despite some Mesopotamian survivals in rabbinic Judaism. But theological/ritual developments also tended to cause these two religions to converge in contrast to the ancient Mesopotamian views. For example, views of the demonic became increasingly nominalist even in pre-Sasanian times; as noted above, in PV 5.3 Ohrmazd rules that unintentional pollution of sancta is not sinful, since if it were, a pious life would be impossible.[215]

X. Rabbinic and Zoroastrian *Listenwissenschaft*

The advent of Greek analytic methods did not do away with the (pre-?)rabbinic drive toward *Listenwissenschaft,* as Jacob Neusner repeatedly points out in his commentary on the mishnaic order of *Toharot*.[216] Examples of exhaustive cataloging are to be found in both the Mishnah and the Bavli, usually in a combination of analytic style and cataloging drive.

In his analysis of the unconscious (re-)interpretation of canons of the Twelve Tables of ancient Roman law by later jurisconsults, Westbrook was primarily concerned with parallels to the developments that he saw taking place as influenced by the new analytical ways of thinking, just as the rabbis interpreted the pentateuchal laws. We for our part are more interested in the biblical and

[214] The final version of a lecture I gave at the University of California at Irvine on March 13, 2012, "Non-Identical Twins: Dastwars and Rabbis Confront Pollution in Late Sassanian Iran," is in preparation.

[215] For recent discussions of the nominalist/realist discussion, see n. 148 above and the associated text.

[216] Neusner 1974–1977, passim.

rabbinic *cognitive styles*, and so we must note that the Mishnah contains huge blocks of *Listenwissenschaft*, that is, long lists of cases with almost no analytical or generalizing content. Thus, twenty-nine of the thirty chapters of Tractate *Kelim* are merely lists of vessels organized according to their potential to become ritually impure. Still, scattered among these lists are some principles, and there are chapters that are organized around one legal principle – which, however, remains unstated. Thus, to take a less obvious case than those of Tracate *Kelim*, *mShabbat*, chapter 6, has the following:

> Wherewith may a woman go out, and wherewith may she not go out? A woman may not go out with ribbons of wool, linen, ribbons, or fillets round her head; nor may she perform ritual immersion while wearing them, unless she loosens them. [She may not go out] with frontlets, garlands [*sarbitin*] if they are not sewn, or with a hair-net [*kabu*] into the street, or with a golden city, or with a necklace [*katla*] or with earrings, or with a finger-ring which has no signet, or with a needle which is unpierced. Yet if she goes out [with these], she is not liable to a sin-offering.

The basic principle is that a woman may go out into the street or a public place on the Sabbath with ornaments that she is not liable to take off to show her neighbors, but she may not go out with ornaments that she is liable to show, nor may she go out with objects that are not ornaments at all. Yet this principle is never stated explicitly in the whole chapter.

One more point may be relevant, and it applies not only to the Avesta, but also to the use of talion in LH vis-à-vis its conversion to monetary compensation in the contemporaneous LE (Laws of Eshnunna). The Avesta provides progressively more severe penalties and, within each category, progressively severe penalties for repeated offenses. Though the penalties are reckoned in terms of an exaggerated number (hundreds, thousands) of lashes, it is pertinent to note the fine distinctions made among the categories. In time, these lashes were equated with eight or nine degrees of sin, to which set fines were attached. It may be thought that the brutality of the punishments ordained fit the nomadic, herding culture that produced the Avesta. But consider: this chapter does not propose talion, an eye for an eye; it proposes much more than that: that an unprovoked attack on another human being, even the mildest, is worthy of a sharp, brutal punishment. Here are the first three stanzas in the series:

> V 4.18
> O Orderly maker of the world of the living with bones,
> He who takes up (a weapon against) a man,
> what is the penalty for it?
> Then Ahura Mazdâ said:
> Five strokes with the horse whip, five with the bastinado.
> The second time
> ten strokes with the horse whip, ten with the bastinado.
> The third time

fifteen strokes with the horse whip, fifteen with the bastinado.

V 4.19
The fourth time
one should apply thirty strokes with the horse whip, thirty with the bastinado.
The fifth time
one should apply fifty strokes with the horse whip, fifty with the bastinado.
The sixth time
one should apply seventy strokes with the horse whip, seventy with the bastinado.
The seventh time
one should apply ninety strokes with the horse whip, ninety with the bastinado.

V 4.20
The eight time
one of these deeds is performed without the previous one having been absolved,
what is the penalty for it?
Then Ahura Mazdâ said:
Against him who is guilty of this capital crime
one should apply two hundred strokes with the horse whip, two hundred with the bastinado.[217]

Note that it is a capital crime to raise a weapon against someone; this is reminiscent of the rabbinic teachings:

Resh Lakish said: Whoever lifts his hand against his neighbor, even if he did not smite him, is called a wicked man as it is written, "And he said to the wicked man: 'Wherefore would you smite your fellow?'" (Ex 2:13). "Wherefore have you smitten" is not said, but "wherefore would you smite," showing that though he had not yet smitten him he was termed a wicked man.

Ze'iri said in R. Hanina's name: He is called a sinner, for it is written, "But if not, I will take it by force" (1 Sam 2:16); and it is further written, "Wherefore the sin of the young men was very great before the Lord" (ibid., 16).

R. Huna said: His hand should be cut off, as it is written, "Let the uplifted arm be broken" (Job 38:15). R. Huna had the hand cut off [of one who was accustomed to strike other people].

R. Eleazar said: The only thing to be done with him is to bury him, as it is written, "And a man of [uplifted] arm, for him is the earth" (see Job 22:8).[218]

Here is another example, but from a different area of social endeavor, finding lost or hidden property. This is a passage that we do not have in full, but only in a précis in *Dēnkard* 8. However, it is clear that it really does belong to a pre-urban stage of Zoroastrian teaching. The passage concerns property that may have been lost or stored either in a house or house enclosure, on or in or near a road, or on or in a riverbank – none of which are necessarily urban locales. Compare this to the question raised in PV 5.4 regarding a street (*rāh*), the inner gate of a village

[217] Mahnaz Moazami and Yishai Kiel are working (independently) on the meaning of these extraordinary punishments.
[218] bSan 58b.

(*dar ī deh*), or the outer gate of a village (*dar ī bēdom*). The following passage is from a wonderful article by David McKenzie entitled "Finding's Keeping"; the chapter deals with stray animals and lost objects.[219] We will quote from the section dealing with the latter.

> Dēnkard VIII, 36:17. On property which is on the road (if) the ground is hard, how (it is) when it is one finger's breadth, how it is when two fingers down, and if the ground is soft, how (it is) when it is two fingers down how when three fingers down.
> 19. When it is found in the middle of the road, (if) the ground is hard, how (it is) when it is two fingers and how when it is three fingers down, and if the ground is soft, how (it is) when it is three fingers and how it is when it is four fingers (down).
> 20. When it is in a bank up or down, there where one turns off the road, and the ground is hard, how (it is) when it is so much (viz. four fingers?), how it is when it is down to the middle of the (fore-)leg, and (if the ground) is soft, how (it is) when it is down to the middle of the (fore-)leg and how when to the knee.
>
> The text continues in this repetitive manner, with goods found (21) under water (*pad ān ī ābān tah*) knee, mid-thigh (*mayān ī rān*) or crutch deep (*gund*, lit., testicle), (22) at a ford (*ān ī ābān wīdarag*) crutch, navel (*nāfag*) or mouth deep (*dahān*), and (23) in an animal's lair (*āšyān*) or the middle of a sheep-fold (*pahast*), lying no more than a man's height under (*a-frāz az tan*) or more (*frāz*) than this.[220]

The question is then one of dating: is this part of the Young Avesta, dating from the first millennium BCE, or was it added later? As noted above, it seems to me that the central question that was dealt with is whether the property found in these circumstances was lost or deposited, similar to the (Babylonian) rabbinic dispute over whether the location of lost/hidden property (*maqom*) is properly considered an identifying characteristic (*siman*) (*BM* 23b, 25a). Does this fit Westbrook's scheme? I would think that this passage does not rise above the analytic abilities demonstrated by the cuneiform collections. Moreover, the elaboration of detail smacks somewhat of the Mesopotamian *Listenwissenschaft*. Could there have been Mesopotamian influence on pre-Achaemenid Iran? Or is this type of *Listenwissenschaft* typical of the enterprise of making law – and thus civilized living – possible, even in nonurban settings? It seems to me that the latter is enough of a possibility that we have no need to seek Mesopotamian influence as its source; the purpose of these remarks is then to draw attention to the parallels, without suggesting any influence.

To sum up: Both the Pentateuch and the Avesta present us with examples of progress over Mesopotamian *Listenwissenschaft*, in the form of "top-down analysis," where laws are categorized as *ḥuqim*, *mishpatim*, negative commandments, and so on for the Bible, or contracts and blows, among other categories, for the Avesta. Both are self-referential in two senses: they cross-reference cases to other, presumably standard cases, and both conceive of themselves as compo-

[219] MacKenzie 1974.
[220] MacKenzie 1974, 278–279.

sitions that are superior to other such "laws." And both show the beginnings of analysis by comparing similar cases with a view to determining the characteristic that is the common denominator between the two. All of this puts the exilic Israelites and the conquering Iranians on one side of the historical divide of the Axial Age civilizations, with Sumero-Akkadian culture on the other side. Again, both heralded a moral world order insured by an all-powerful, benevolent deity who created the world with full intent and purpose. It is then little wonder that in essentials, neither took its cue from Mesopotamia. With the coming of Hellenism, the rabbis developed more analytical (or implicitly conceptual) methods of approaching legal questions already during the Second Temple period, as would the *dastwar*s, but much later, in late Sasanian times.

XI. The End of Late Antiquity

We began (and ended) our all-too-brief survey of Mesopotamian elite cognitive styles with a comparison of cuneiform law collections, the pentateuchal Covenant Code, and the avestan *Videvdad*, and continued with fifth- and sixth-century commentaries on the latter – the Pahlavi *Videvdad* and ZFJ – but we have said little about that giant "ocean of the Talmud," that is, the Bavli. In part this is simply because of its outsize dimensions, which, at 1.86 million words makes it far and away the largest single compilation surviving from late antiquity, and in part because with size comes complexity, especially, and an analysis of the Bavli appropriate to its size and complexity would swell an already swollen paper beyond all bounds of propriety, and unbalance its analysis as well. But, as the rabbis might say, "to acquit oneself with [almost] nothing is impossible," and we must limn some of its characteristics and examine them both in light of what we have learned about Mesopotamian modes of thought and compilation, and in light of the Bavli's context in the Iranian/Mesopotamian world of the late Sasanian period.

Scholars have divided the civilized world into segments, the easier to study them, and generally confine themselves to disciplinary studies; indeed, interdisciplinary studies are considered a courageous endeavor, and rightly so. But from the early days of *Homo sapiens* – and unlike the Neaderthals – our human ancestors imported goods and ideas from other cultures. And so it will not surprise us that the Bavli was part of the movement toward codification typical of the period 530–620 CE, a period that saw the closing of the Bavli, the Code of Justinian, and MHD, the so-called Sasanian Lawbook, the Book of a Thousand Decisions.[221]

[221] In this sense it resembles the appearance of the sixteenth-century *Shulḥan Arukh*, the "Code of Jewish Law," which was part of a similar period of central European codification; see Davis 2002.

The Bavli stands apart from MHD and the Code of Justinian not only in regards to size, but also in basic character; while all three compilations contains disputes and some discussions of means and methods, the Bavli stands apart in its continuous and unrelenting dialogic and dialectical questioning. As twentieth-century academic scholars – primarily Shamma Friedman and David Weiss Halivni – have emphasized, this is in main part due to the work of its anonymous fifth- (and early sixth-)century redactors, whose work constitutes more than half of that 1.86 million words.[222] More recently, as we noted above, Leib Moscovitz remarked on the Bavli's

> increasing use [as compared with earlier compilations, such as the Mishnah, Tosefta, and the Talmud of Eretz Israel] of explicit concepts and general principles …. Many of these concepts and principles are abstract, and address philosophical or quasi-philosophical issues such as the legal status of change, causation, and potentiality. Indeed, explicit legal conceptualization is one of the principal pillars, qualitatively if not quantitatively, on which the edifice of later rabbinic law rests.[223]

At the end of his stimulating and penetrating study, and in line with the results of the research of others,[224] Moscovitz locates the beginning of this trend in the work of the fourth-generation Babylonian authority, Rava (d. ca. 352 CE), and its further development in the Bavli's redactional layers (fifth-sixth centuries). He also notes that the Bavli's western sister-talmud "lacks extended conceptual *sugyot* [= dialogic dialectal passages], abstract formalistic conceptualization, and explicit conceptual explanations of amoraic rulings."[225] We should add that it also lacks, but for some notable exceptions (*yShab* 7:2 [9c–d], *ySot* 6:1 [54c], and *ySan* 7:4 [24c], 7:9 [25c] among them), the Bavli's long sugyot on *midrashei halakhah*, a particular interest of Rava's.[226]

Thus, when searching for the origins of the Bavli's move to explicit conceptualization we must examine the concerns that Rava manifests in the hundreds of statements attributed to him. Certainly, one of the most prominent is his understanding of the role of intention in rabbinic law – and, as Moscovitz emphasizes, intention is indeed one of the quasi-philosophical concepts that stand at the center of his monograph. In his dissertation, and now in a published version of that chapter, Yishai Kiel has provided us with a clue as to one factor that probably played a role. While other writers (including myself) have emphasized the importance of intention in Zoroastrian law, Kiel notes the increasing concern with awareness and intention in Middle Persian commentaries on the

---

[222] See my opening remarks, and the references in Elman 2010b.

[223] Moscovitz 2002, vi.

[224] In particular that of Rubenstein 1993; 1997; 2003, 285–304; and Urbach 1994, 208–216, 232–234.

[225] Moscovitz 2002, 351.

[226] Elman 2004c.

Avesta. Thus, the Avestan *Videvdad* 3.14, dated to the late second or early first millennium BCE, in discussing the prohibition of the carrying of a corpse by one person, stresses the pollution that this causes – a pollution that can never be purified – while the Pahlavi *Videvdad* (late fifth century CE) stresses the importance of the awareness of the one who violates this norm. This increasing emphasis on subjective factors can be seen in other ritual and legal rules, as Macuch,[227] Shaked,[228] Elman,[229] and Brodsky[230] have pointed out. The latter in particular has noted the prominent role that the idea of "good thought" plays in Zoroastrian theology. The application of this general theological principle in particular areas of Zoroastrian law has a history, as Kiel has demonstrated.[231] As Kiel notes near the conclusion of his paper,

> The discussion of cognizance and intentionality in rabbinic and Zoroastrian literature displays fascinating similarities and areas of affinity. In both corpora we find it necessary that the sinner be cognizant of the reality at hand, and of the illegality of his actions, to be liable for a deliberate crime. These similarities are significant, first and foremost, since they enable us to examine in context the intellectual history of these legal discourses. From a purely comparative perspective (and regardless of the existence of possible genealogical connections between rabbinic and Zoroastrian literature), it would seem that the intersections of the legal discourses we have examined, should urge us to forsake the oft invoked idea of *sui generis* religious phenomena.[232]

I would suggest that Rava's concern for intention was part of the same intellectual trend that impelled Rabbah and Rava's teacher R. Nahman to begin to examine the role of intention and negligence in torts in the generation before Rava, as already noted by Aharon Shemesh in regard to Rabbah's creation of the category of "gross negligence" (*shogeg qarov le-mezid*),[233] and by David Daube.[234] It is important to note that intention stands at the center of many of the concepts that are debated in those conceptual sugyot.[235] We see here not so much a matter of direct influence as a cultural predisposition that encourages thought and discussion in a certain direction.

To return to Moscovitz's important monograph, after studying the essentially casuistic character of the earlier tannaitic texts (first-second centuries), and probing the question of whether a substantive conceptual basis underlay that body of law, Moscovitz concludes that

---

[227] Macuch 2003.
[228] Shaked 2012.
[229] Elman 2008, 2010b.
[230] Brodsky, forthcoming.
[231] First in his dissertation, Kiel 2011, 40–70, and now in Kiel 2013.
[232] Kiel 2013, 48.
[233] Shemesh 1995, 7.
[234] Daube 1992. See Elman 2010b, 42–44, 54–55.
[235] Elman 2008.

> there is no evidence that the tannaim ever adopted wide-ranging, abstract, formalistic, ontological principles (e. g., which is more important, thought or action), whether implicitly or explicitly, even though abstract implicit principles, and sometimes explicit principles, are found in tannaitic literature. The striking absence of such principles from tannaitic literature (even in implicit form) strongly suggests that such principles did not exist during tannaitic times, although this is admittedly an *argumentum ex silentio*. Thus, the assumptions of some scholars to this effect seem highly questionable, to say the least. Nevertheless, it is possible that the rulings of particular tannaim or tannaitic schools do reflect broad, "fuzzy," non-binding conceptual tendencies. Likewise, it is clear that many casuistically formulated tannaitic rulings are based on implicit principles, although these principles are usually rather narrow in scope and not very abstract or creative, conceptually speaking.[236]

Thus, Moscovitz views the earliest layers of rabbinic literature as activated by narrow principles that were not very abstract, sophisticated, or creative, with the casuistic superstructure undergirded at most by "implicit concepts," that is, cases in which "casuistic formulations are assumed to reflect the implicit use of concepts or legal principles."[237] In his view, the tannaim are thus typical of jurists of the ancient world in general, in particular their Roman and Sasanian Persian counterparts. Nevertheless, in studying tannaitic modes of legal thought, he and Jeffrey Rubenstein have traced some of the ways in which the tannaim contributed to the later development of conceptualism in the Bavli. In particular, Rubenstein has studied the abstract interpretation of terms employed in Biblical Hebrew in a concrete sense, and the development of those abstract terms, and others, in the formation of "general and abstract principles."[238] Moscovitz has traced the development of rabbinic thought as revealed in the movement from tannaitic casuistics to the conceptualization of earlier sources as found in the later layers of the Babylonian Talmud. To a large degree, their studies complement each other, but their emphases differ. Rubenstein prefers the term "abstraction," which he defines as "the process of imagining or considering apart from other characteristics inhering in or constituting an object or instance."[239] Moscovitz employs a much more restrictive definition of conceptualization, based on his interpretation of the work of David Daube, which defines more precisely the nature of the conceptualization that is unique to the Bavli, and which will be examined below. Nevertheless, he too finds the roots of later rabbinic conceptualization in tannaitic literature, *inter alia* in "explicit tannatitic generalizations," which, "while … not very sophisticated, conceptually speaking, … are still important, because they reflect a non-casuistic approach to legal

[236] Moscovitz 2002, 97.
[237] Moscovitz 2002, 5.
[238] See the essays listed in n. 224 above.
[239] Rubenstein 1993, 33.

formulation …. Some of these statements … prefigure more sophisticated types of legal conceptualization."[240]

In the end, both Moscovitz and Rubenstein view the development of conceptualization as an inner rabbinic process built on the contemplation by later authorities of the work of earlier ones; Moscovitz explicitly characterizes both Roman and Persian law as "casuistic." The implication is that the Bavli – in particular the influential Babylonian amora Rava – discovered (or invented) conceptual interpretation in the second quarter of the fourth century and that its redactors further developed that methodology in the fifth and perhaps part of the sixth centuries, as noted above.

However, while it is indisputable that surviving compilations of Roman and Sasanian law are generally *formulated* casuistically, it is by no means clear that no conceptualization had been taking place. As we shall see, it is clear that Roman law, despite its presentation in casuistic form in much of the *Digest* of Justinian, contains a good deal of conceptualization; indeed, Alan Watson characterizes it as conceptual to a fault, except that instead of referring to its conceptualism, he prefers to characterize it as "legal isolationism."[241]

In any case, in order to understand the Bavli and its background we must examine the nature of the concepts that Moscovitz proposes as constituting the benchmarks of the development to conceptualization. He lists them as "the legal status of change, causation, and potentiality," and later on adds "intention" and "imminence." Some of these are not only "quasi-philosophical," they are downright metaphysical. Aspects of these may be expected to turn up in any system of law – intention, as in the distinction between manslaughter and murder; causation, as in the distinction between the responsibility for direct causation and the lack of legal recourse in the case of indirect causation; finally, "the legal status of change" is explicitly jurisprudential in Moscovitz's definition. Much later, Moscovitz adds the concept of "negligence" to the list, but negligence is the legal/psychological (not philosophical) daughter of intention.

Actually, his monograph is replete with the study of concepts – legal concepts – but since these are deemed not "creative" or "sophisticated" he does not consider them as examples of explicit conceptualization. They are thus "second-rate" concepts, so to speak. "Most post-tannaitic comparison-based classification, particularly in BT [= Babylonian Talmud – Y. E.], is not exceptionally creative or sophisticated, conceptually speaking. Hence we survey the most common aspects of this phenomenon rather superficially, and focus primarily on the rarer but conceptually more significant aspects of this sort of classification." But then he makes a significant admission: "Comparison-based classification in

[240] Moscovitz 2002, 50.
[241] See below.

BT is generally similar to that in PT [= Yerushalmi – Y. E.]."[242] Thus, though this sort of conceptualization is not "exceptionally creative or sophisticated," it nevertheless marks a development from tannaitic to post-tannaitic literature, and places the Yerushalmi a step beyond the Mishnah and Tosefta – exactly what we would expect in terms of the generally progressive nature of thought. And, to the (large) extent to which the Yerushalmi influenced developments in Babylonia during the early amoraic period, the Yerushalmi has a place in this history of rabbinic conceptualization, and not just as a foil for the Bavli.

Thus, the question of *isho mishum hitzav*, whether liability for damage caused by fire falls under the category of "arrows" (damage caused by one's actions) or damage caused by one's property, is discussed in *both* talmuds (bBK 22a and yBK 2:5 [3a]).[243] Moreover, the debate is attributed to the same two Palestinian amoraim, R. Yohanan and Resh Laqish, in both talmuds. However, there are two significant differences in the way the dispute is presented in each talmud: in the Yerushalmi the language is concrete, and neither side takes the position that the liability for fire is due to one's ownership of the fire, however that is interpreted. Still, R. Yohanan holds that the liability issues from the first act of setting the fire, while Resh Laqish holds that he is considered as one who has set each ear of corn afire. Moscovitz calls this "effect and mechanism conceptualization"; I suggest that we may perhaps venture a bit further and call it "cause and effect conceptualization." Thus, conceptualization – even explicit conceptualization (though not "sophisticated") – may be said to have a place in the Yerushalmi. However, since it does not serve to distinguish the two talmuds from one another according to his stringent standards, Moscovitz can still claim that the Yerushalmi had not made the transition to conceptualization. In his discussion of the Yerushalmi version, Moscovitz makes the following important point:

> These amoraim dispute the nature of liability for damage caused by fire, since such damage occurs even after the initial tortious act (i. e., lighting the fire). Specifically, Resh Laqish and Rabbi Johannan disagree about whether such damage results from the initial act of kindling ("as if he had shot an arrow"), or from the damage that actually occurs ("as if he had lit each ear of corn"), even though this damage takes place without direct human intervention after the initial tortious act. The practical ramifications of this rather theoretical, abstract dispute are set forth in the next part of the *sugya* (not cited here), and address an uncommon but legally challenging case – should the tortfeasor be exempted from monetary liability (here, for damage caused by the fire) if he incurred the death penalty while the fire was burning and causing damage.[244]

[242] Moscovitz 2002, 133.

[243] Moscovitz 2002, 156–158 and 320–321, respectively.

[244] Moscovitz 2002, 156. It should be noted that this rule does not hold in Sasanian law, and a civil and criminal penalty may be levied; see MHD 98.14–17; Perikhanian 1997, 224–225; and Macuch 1993, 583 (text), 586 (translation), and 592 n. 13.

Thus, the Yerushalmi passage is both "theoretical and abstract" and also "legally challenging," but in the end not "creative" enough to enter the charmed realm of true conceptualization, which is only to be found in the Bavli. However, we may view this debate as one that attempts to subsume a narrow, concrete biblical classification within a broader, abstract one: causation, in particular, within the rubric of direct and indirect causation. Creativity and sophistication are in the eyes of the beholder. Here is Moscovitz's rendering of the Yerushalmi dispute:

> 1. Resh Laqish said: (One who caused damage through fire) [is treated] as if he had lit each ear of corn.
> 2. Rabbi Johanan said: He is treated as if he had shot an arrow from one place to another.[245]

This is of course the stuff of ordinary jurisprudential concern; it is not metaphysical, though it may be considered quasi-philosophical these days. It is certainly creative, though not in the sense that Moscovitz uses the term. Most important, this sort of legal reasoning is to be found in both Roman and Persian law, and, since it constitutes, by Moscovitz's own admission, conceptualization that is "abstract" and "theoretical" and "legally challenging," he should perhaps reassess the categorization that places the Bavli in a category of its own, especially when, as we shall see, the Bavli's discussion of even its metaphysical concepts is not itself conceptual, but rather exegetical.

In part, however, this disjuncture is due to differing understandings of "conceptualization" on the part of Romanists and talmudists. Romanists tend to conflate it with "abstraction" *per se* and associate it with systematization and definition; as we have seen, talmudists, under the influence of trends in the traditional community of talmudic study – the Analytic School – tend to a more metaphysical interpretation of the term.[246] Indeed, Alan Watson, who equates conceptualization with juristic law and legal isolationism, that is, isolation from economic and social factors, and counterposes both to law that is equitable and socially and economically efficient, considers Roman law to be conceptualist to a fault.[247]

Nevertheless, however we may define conceptualization, the Bavli is more "conceptualist" than its contemporary legal compilations. Daniel Boyarin considers this as a consequence of Greek influence on late Sasanian Mesopotamia,[248] but whatever its origins, a significant part of the redactors' work was to create these conceptualist/dialectical exercises in binary logic.

---

[245] Moscovitz 2002, 320–321.

[246] See Schulz 1936, 40–65, on "abstraction," esp. 41–48 on the disinclination to produce definitions; 48–53 on the "disinclination for abstract formulation of legal rules"; and 53–64 on systematization. Moscovitz's view of the matter, as described above, is typical of the talmudic approach to the question.

[247] See Watson 1995, 64–123.

[248] Boyarin 2007, 165–197.

Traditional scholars have long noted that the Bavli is more *mefulpal*, dialectical, than the Yerushalmi, and thus often irrelevant to actual legal norms or irrelevant to determining them. In part this is due to the redactors' interest in conceptualization even when such concepts are not legally operative. In larger part it is due to their interest in explicating minority opinions, or areas of halakhah, such as those involving the Temple service or purities, which are no longer relevant to practice. Moreover, teachings in these areas are sometimes employed in relation to legal/ritual discussions involving matters that are still operative. Again, it is estimated that a third of the Bavli is "aggadic," that is, devoted to nonlegal matters of all sorts.

All of this puts us in mind of Alan Watson's observation of the effects on Roman law of allowing jurisconsults the right to decide its direction.

> Students usually come to Roman law with no knowledge of other secular systems; otherwise they would be more struck by a most unlikely but characteristic feature: the extreme prominence of jurists who, as such, have no connection with government. One may come to accept that the role of government in making private law is often more limited than one would expect, but why should a state follow for its law the opinions of private individuals? And why should prominent individuals find it appropriate to fill their time without financial reward by giving legal opinions and writing legal treatises? …
>
> The prominence of jurists is unlikely and unusual only when the system of law is secular. It is not in the least surprising in a system based on religion, such as Jewish or Islamic law [we may add: Zoroastrian law! – YE] that expounding the law will bring great prestige and attract scholars. Law as religion is law as truth, and to be recognized as uncovering the truth is always to obtain prestige.
>
> Yet the prominent role of the jurists in Roman law is undeniable. Even under Justinian, the *Digest*, that part of his compilation that contains juristic opinions, is twice as long as his *Code*, which contains the rulings of the emperors. This is all the more significant in that the two works were not planned together, and the first aim was to collect and publish surviving and still relevant imperial rescripts.[249]

In the end Watson suggests that the reason was precisely this: prestige, and that this factor accounts for all sorts of negative consequences: lack of system, legal isolationism from the *realia* of life, the elimination of custom as law, and so on. He focuses on the shortcomings of this dominance of amateur lawyers, as we may call them, treating them in chapters titled "Legal Isolationism," "Juristic Law: Reasoning and Conceptualization," "Conservatism and Absence of System," "Conservatism and Tradition," and "A Central Indefiniteness." Threaded through these chapters are three that are devoted to legal isolationism. These chapters dwell on several shortcomings: "little … concern for the social appropriateness of the result [of legal reasoning]," which results in formalistic

[249] Watson 1995, 57.

arguments that would have little appeal to "results-oriented lawyers" (p. 67); the jurists' lack of interest in other legal systems, or in borrowing from them (because they were not interested in reform) (p. 116); their lack of interest in interpretations that would fit the context of the statute being discussed (p. 167); their lack of interest in conditions outside of Rome (p. 167); and the lack of transference of concepts or institutions from one area of law to another (p. 169).

My point is not to tar the Bavli with this brush; indeed, a perusal of Watson's arguments will show both the convergences and divergences of Roman and rabbinic law, but, I would think, mostly divergences; and the divergences relate most importantly to the functionalist goals of rabbinic legislation.

In his monograph Moscovitz does not emphasize the functionalist side of rabbinic legislation; however, we may point to the various *gezerot*, rabbinic "decrees," which certainly have a functionalist character, aside from early and late rabbinic statements such as *she-lo' tin'ol delet lifnei lovin*, "so as not to close the door on borrowers," that is, not to damage the credit markets, or an earlier, tannaitic one, *ha-Torah ḥasah 'al mamonan shel Yisra'el*, "the Torah had compassion on Israel's wealth"; in one case, all the utensils in a house that was liable to be declared ritually impure by the priest were to be taken out before his arrival, thus saving them from being declared impure with the house.[250] And indeed, not surprisingly, we have a functionalist consideration in Qumran: 4QMMT warns: "[For the sons of] the priest[s] should take care concerning this practice so as not to cause the people to bear punishment."

But the similarities to Roman law may be accounted for in a similar way: by the academic venue in which the Bavli's redactional work was done, a suggestion made by Jeffrey Rubenstein. After reviewing several stories that valorize discursive argumentation, he concludes:

> The thematization of dialectics in these late Bavli stories correlates beautifully with the dialectical style of the Stammaitic (= redactional) layer [of the Bavli – YE]. Likewise, the portrayal of dialectics as the true mark of academic ability supports [David Weiss] Halivni's suggestion that a shift in values took place in the Stammaitic era. Certainly other types of Torah study took place in the academy: determination of law, study and repetition of Tannaitic traditions, scriptural interpretation, even homiletical craft. While these enterprises were important – and no doubt proficiency in them all was expected – dialectics were the focus of Stammaitic life. In all probability, these stories point to the main type of Torah study practiced within the Stammaitic academy.[251]

Watson opens his chapter on "Juristic Law: Reasoning and Conceptualization" with the following basic observation:

---

[250] Moscovitz of course does not deny this, but his interests lie elsewhere. He makes this clear in Moscovitz 2002:27–29.

[251] Rubenstein 2003, 48.

> Though the pontiffs, as we have seen, kept religion out of law and did not make legal forms so rigid as those of religion, still they did, subconsciously, introduce pontifical modes of reasoning into their interpretation of private law. As priests, the pontiffs' main function was to keep humans in proper contact with the gods, and this was very much a matter of sacred law. What authority is needed for the proper dedication of a temple? May one temple be made sacred to two deities? To reach the right answer to those questions some arguments cannot be used. One cannot permit the answer to an issue of sacred law (law as truth) to turn upon an argument of equity or justice, usefulness or economic efficiency, or advantage to the state. Obviously such considerations are perfectly appropriate for settling issues of private law, but since they were not used by the pontiffs for sacred law they were not introduced by them for private law. And so it continued. Roman legal reasoning is self-contained and based on a notion of "lawness" and is suffused with an internal legal logic.[252]

Despite superficial resemblances, this is clearly not the case with rabbinic law in general, and the Bavli in particular. We need point only to the place played by the concepts of *takkanat olam* (for the proper functioning of society), *ha-kol ke-minhag ha-medinah* (all [business] transactions follow the custom of the place), *dina de-malkhuta dina* (the [civil] law of the government is valid [according to rabbinic law]), *takkanat ha-shavim* (to allow sinners [against their fellow man] to repent), *derakheha darkei no'am* ([the Torah's] ways are pleasant), and *ha-Torah ḥasah 'al mamonam shel Yisrael* (the Torah is concerned not to impose undue financial hardship on Jews), or *she-lo' tin'ol delet lifnei lovin* (to protect the integrity of the credit market), and the rule that prohibitions are not issued if most of the community cannot abide by them, in order to note the sharp differences between rabbinic "sacred law" and Roman private law.

In truth, the intellectual history of the Bavli, or, more precisely, the rabbinic class of late antique Babylonia, may be divided into four eras: before Rabbah of Pumbedita in the third generation, then that of Rava of Mahoza in the fourth generation (and Abaye of Pumbedita), which to an extent continued with Rava's students in the fifth, followed by the remainder of the amoraic period (the sixth and seventh generations), and ending with the stammaim (the redactors). The first period, especially in regard to the statements attributed to Rav, Samuel, R. Huna, and R. Hisda, was devoted to exegesis and explication of the Mishnah and determining legal norms;[253] while this work continued afterwards, the influence of the third-generation authority Rabbah turned attention to legal theory, especially in the area of torts but also purities, and that of Rava in the next generation, to legal midrash, the role of intention in a wide variety of matters, the retrospective application of changes of status by Rava and his Pumditan contemporary Abaye,[254] and the continued systematization of legal norms – and to wider possibilities of conceptualization, which Moscovitz calls "creative" and

[252] Watson 1995, 82.
[253] On this period, see Epstein 1963/4, 349–352 (summary).
[254] Elman 2008.

"quasi-philosophical." It should be noted, however, that Rava's conceptualist turn was modified by functionalist considerations, as in his rejection of Abaye's position regarding "designation,"[255] or Abaye's categorical rejection of the testimony of one guilty of consistent ritual violations because of an inability to curb his appetites, whom Abaye deems a wicked person whose testimony is not accepted (San 27a). In contrast, Rava distinguished between one who indulges in forbidden behavior in order to satisfy his appetites as opposed to one who did so for heterodox theological reasons. For him, then, the latter may still hold to ethical standards such that his testimony could be accepted – a distinction that a judge of a cosmopolitan community might well make. The contrasting absolutist view of human nature can be seen elsewhere in rulings transmitted in Abaye's name (San 61b, Kidd 45a, BM 21a–b). I hope to take up this theme elsewhere. In essence, then, Rava's conceptualization was tempered by a functionalist mode of thought and practical experience (see for example Pes 30b–31a, San 27a [case of *edim zomemim*], and Tem 4a).

Beginning with R. Nahman, Rava's teacher, the Babylonian authorities begin to take account of the work of R. Yohanan of Tiberias, a subject that continues to be of concern to Rava and eventually the redactors, who may be accounted as his students' students.[256] Creativity and productivity diminished in the later generations, but R. Papa in the fifth generation and R. Ashi in the sixth generation began to deal with the interstices of issues that had not been fully dealt with earlier. Finally, dialectic, conceptualization, the fuller working out of principles established by earlier generations, the mix and match of the work of the various amoraic schools – all are part of the legacy of the redactors.

Thus the Bavli attained its current shape, which, were we of a mind to do so, we might compare to a planned edifice. In reality, it reflects two turning points: the creative work of Rabbah in the third generation, and Abaye and Rava in the fourth, and the decisive turn to anonymous redactional activity by the stammaim, whose creativity was channeled through the words of the tannaim and amoraim who preceded them. Thus a potential redactor, looking back at the developments of the last centuries, and especially considering that the Yerushalmi had completed its commentary on the Mishnah, might decide that the Babylonian rabbis had their own commentary to organize and systematize. Consider, too, the contemporary efforts at redaction of the Pahlavi books. It was time to begin the task of redacting the accumulated teachings of the Babylonian rabbis.

This also implied the closing of an era; it was time to organize and edit, not to innovate. The process brings to mind the situation of Roman law a century earlier, when the so-called "classical period" gave way to the "postclassical period," described by Hans Julius Wolff as follows:

---

[255] See Moscovitz 2003.
[256] See Elman 2011a.

> The various forms of literary activity in the field of law all show one thing very clearly: namely, the extent to which the postclassical period remained under the spell of classical jurisprudence. The only force productive of legal ideas was imperial legislation. Whatever legal science existed contented itself with the study of the old authorities, who came to be looked upon with an almost religious awe. Practitioners and judges, unless otherwise directed by specific imperial statutes, relied on the old books or on the new books which were supposed to give them the gist of the old law in condensed form. The classical jurists also dominated legal instruction.[257]

But that imperial legislation was eventually determinative. As Bernard Stollte observes,

> The jurists, who for reasons of social prestige were able to exercise an informal but very important influence, gradually entered the bureaucracy surrounding the emperor. The process took a considerable time: it is not without significance that the last great jurists did not die peacefully in their beds, but fell victim to their displeased sovereigns, as the Roman emperors had by then become …. They still wielded power, but now under firm supervision.[258]

Whatever conflicts the rabbis had had with the exilarch, there is little indication that the redactors had any such problems. Though the redactors remained steadfastly anonymous – presumably because of their own estimation of their authority and standing, in contrast to that of their predecessors – they did not cease, as Moscovitz's monograph and attendant studies demonstrate, to provide creative reinterpretation of earlier teachings. The very size and scope of redactional activity shows this to have been the case, as do a number of my own studies.[259]

What then of MHD? First of all, it is incomparably smaller than the Bavli and the Code of Justinian. The Bavli, as noted above, runs to over 1.86 million words, Justinian's Code to about a million; MHD runs to 25,000. Its title assures us that this is not due to a large loss of text: our "Book of a Thousand Decisions" has about eight hundred and forty of them. Thus, we are not missing significant portions of it, and the version available to us does give us an authentic picture of its original character.

Second, like the Code of Justinian, but unlike the Bavli, it is devoted only to private law, though it has a good deal more to say about marriage than Roman law does. It also has a preface, which says something about the intent of its compiler, Farroxmard ī Wahrāmān, though its preface is markedly less helpful to legal historians than that of Justinian. It also has a name, again unlike the Bavli. But, like the Bavli and Justinian's code, it is more sensitive to its sources and precedents than most of the Pahlavi books, presumably because the latter are still the products of an oral culture. It cites a number of its predecessors and sources, such as the Book of Divorce, the Book Regarding the Duties of Offi-

[257] Wolff 1951, 143.
[258] Stollte 2003, quotation from 86.
[259] Elman 2004c, 2011a.

cials, the Book Regarding the Duties of Magupats, and so on. Its characteristic mode of citation prefaces them with *nibišt*, "it is written," in stark contrast to the other Pahlavi books. As we have seen, this aspect of its nature goes back to the Avestan *Vīdevdad*.

It also shares a characteristic with the Bavli and Justinian, though more muted: it states reasons for its decisions in thirty-three cases, and some of them have a decided general character, as for example MHD 12.15: *čē dārišn ēwar ud bunxwēšīh warōmand*, "for possession is certain, while ownership is subject to [verification by] ordeal." In MHDA[260] 10.10–13, the difference between the authority of a sealed document versus an oral declaration is prefaced with the description *čim*, "the reason." But while there are occasional disputes between authorities, and recourse to general principles, there are no discussions. Still, as we have seen, generalizations, especially authoritative ones, are absent from ancient Mesopotamian culture, and so this aspect of MHD is quite significant.

Finally, in light of Alan Watson's comments in regard to the role of private jurisconsults in the development of Roman law, let me note the relative *lack* of overlap between PV and ZFJ, on the one hand, and MHD, on the other. This may indicate that those *dastwar*s mentioned in PV and ZFJ specialized in ritual matters and not civil law. This is all the more significant if I am correct in suggesting that ZFJ is a sixth-century text, since MHD apparently draws its authorities mostly from the years 470–620, and especially from the sixth century. Note also that Wahrām, one of the great names of MHD (also in Pahlavī Rivāyat) does not appear in PV or ZFJ.

We have seen that ZFJ presents us with a number of notably innovative ritual/legal concepts that represent creative advances over the jurisprudence of PV; to round out our discussion, we may then ask where MHD stands in that line of development. As I have shown in several studies, Farroxmard and his predecessors had to deal with two socioeconomic problems of prime significance: the demographic crisis brought on by "Justinian's Plague," which broke out in 542, and the loss of adult males of the ruling class due to the incessant wars of the sixth century; and the strain on the empire's financial resources brought on by these wars. The *dastwar*s of MHD attempted to solve the problem in two highly innovative ways: by empowering women to manage the estates whose male heads had died, and by easing credit.[261] But it does not demonstrate the conceptual innovations that we find in ZFJ, innovations which, it should be noted, do not appear in the later Rivāyat literature.

Why all this redactional/compilatory activity just at this time across Europe and western Asia? What purposes were these compilations intended to serve?

[260] The single surviving manuscript was divided into two parts by the families who inherited, and so one part is designated as MHDA = MHD of Anklesaria.

[261] For the first, see Elman 2003, and for the second, see Elman, forthcoming b.

This is a particularly urgent question in regard to Justinian's Code and the Bavli, whose immense size made them impractical for nearly any purpose but study. As Hans Julius Wolff put it in regard to Justinian's Code:

> We must not overrate the practical effect of the compilation – particularly, of its pivotal part [and largest portion, 800,000 words – YE], the Digest – in its own time. The Digest was meant to be both a school book and a positive law with the force of an imperial statute. But in its vastness it was still too much for the rank-and-file lawyer to master, and in its classicist spirit too remote from the real legal thinking of the age to have a decisive impact on the practical work of the courts. "It is," so a noted Romanist has said, "a rare and historic paradox of rare pointedness that the most influential codification of all times was not in real force at any time."[262]

So too for the Bavli. As Robert Brody put it:

> They clearly shared an intimate awareness of the academic orientations of much talmudic dialogue, in which possible harmonizations of different sources or opinions are suggested in order to show that they are not incompatible, without the claim being advanced or implied that these are the correct or authoritative interpretations of the sources in question. Similarly, the Talmud may devote considerable energy to the explication of positions which are not deemed authoritative. On the other hand, there was widespread consensus among the Geonim that the Talmudic dialectic was not purely academic and that certain conclusions of a legal nature could be drawn from the course of discussion, although they were never stated explicitly.[263]

When Farroxmard ī Wahrāmān compiled his thousand decisions at the beginning of the seventh century, could he have suspected that the Sasanian Empire, which had endured for almost four centuries, and claimed to be the heir of Iranian empires that dominated the Middle East for almost the previous eight centuries, would, in a generation, be no more? Presumably he did not, and his modest compilation was meant for practical use – perhaps primarily for himself. Still, his resort to a written compilation in defiance of age-old Iranian tradition requires explanation, speculative thought it may be. I suggest that the reduction to writing of the Avesta served some Zoroastrians as a signal that times had changed; that the age-old reluctance (or ban on) writing sacred texts had changed (or expired).[264] Again, the fact that Iranian civil administration – from the Achaemenids on – had long felt the need for written texts would have had some influence on such a decision as well. Experience and common sense confirm the need for written texts to which to refer in civil matters. The reluctance on the part of others would have continued, and the praise of oral transmission preserved in the Dēnkard (and as quoted above in section V, pp. 43–4 above by Mary Boyce) expressed their sentiment. But the need for manuals for judges had

[262] Wolff 1951, 173–174; the quotation is from E. Levy.
[263] Brody 1988, 164.
[264] See Bailey 1943.

already been well established for about a century; Farroxmard would not have felt that he was flagrantly violating some norm.

The Code of Justinian also followed a century or more of codification, where access in some form to established law was a need felt by Roman citizens sufficiently so that law would have been seen, as Tony Honoré has put it, as a contribution to solving "the crisis of empire," that is, the chaos of the third and fourth centuries.[265] Add to this the fact that Justinian had the resources of the Roman Empire at his beck and call, and the enterprise could be accomplished in a relatively short period of time – as it was, and to his specifications; that is, as Wolff puts it, Justinian combined "a conscious effort to keep alive or even bring back from oblivion time-honored doctrines and concepts" while also "establish[ing] a legal system which would really meet the practical needs of the time."[266] As noted above, of course, it did not, but his intent was as Honoré stated it.

The Bavli is a different case entirely. The Babylonian rabbis did not have the resources of the Sasanian Empire, such as they were, behind them. Moreover, they did not have, as Tribonian did, three thousand works of Roman law to revise and put in order. And not only did they not have a library of law works at their disposal, they felt called upon to add what eventually amounted to 55 percent of the Bavli's 1.86 million words. Why did they embark on such a task for the ages?

Let me put a date to the beginning of the project: around 450, the end, more or less, of the amoraic period, the end of attributed statements by recognized authorities. And let me propose a thought experiment: What would a Babylonian rabbi have thought at that time? Or, perhaps more to the point, what would have his mindset been like?

He might have been aware of the redactional activities of Zoroastrian magi, an activity that resulted in the Pahlavi books that we have before us: PV, the *Hērbedestān*, the *Nērangestān*. More relevant, he would have seen the redacted Yerushalmi, or something close to it, at the very least. That would have served as a precedent, and that precedent would have fulfilled a need that the rabbis shared with the rest of the intellectual world of late antiquity, the need to arrange all relevant law. But, you may say, the Bavli contains much more than law. Here too the Yerushalmi would have served as a model: it contains, it has been estimated, about one-sixth of aggadic material; the Bavli contains one-third.

But they would have understood more than that, and here the shape of the Bavli to which I adverted above becomes relevant. Whether conscious or not, whether intended and planned or not, the early amoraim embarked on an ambitious but necessary project: explicating and interpreting the Mishnah. And they worked at that for two or three generations. Developments in Babylonian legal thinking, as represented by Rabbah, Abaye, and Rava, would have convinced

[265] Honoré 1998.
[266] Wolff 1951, 172.

them that more was needed; hence conceptualization in its wider sense: not only the creative and quasi-philosophical concepts that Leib Moscovitz suggests, but more workaday legal concepts such as intention in tort law and the like, as Rabbah had pioneered, would have found their place in the enterprise. From Rabbah to the time of the beginning of the stammaitic enterprise in 450 is a period of some one hundred and thirty years or so, and enough information had accumulated to be organized and digested. Moreover, there was the data from Israel to integrate – the queries of R. Yohanan and Resh Laqish, and those of R. Ze'ra/Zera and of R. Jeremiah – all of which constitute such an important part of the Bavli.

Let us look at the order of *Kodashim*, the Mishnaic order that deals with the temple service and related matters as an example of what the Bavli's redactors faced. For here the redactors did not have a Yerushalmi to guide them. But they did have two other sources of information: the discussions of R. Yohanan[267] – he is mentioned 221 times in *Zevaḥim* (109) and *Menaḥot* (112) alone – and those of Resh Laqish (98 times) and R. Jeremiah (30 times), just for those tractates.[268] For comparison, Rava, who is the most frequently mentioned Babylonian in the Bavli, is mentioned some 264 times in these tractates, and Rabbah some 83 times.[269] To round things out, we may add Abaye, Rava's senior contemporary and frequent disputant, who is second to Rava among the Babylonians, at 106 mentions.

The redactors also had the material – and the model – of *midrash halakhah* as preserved in *Sifra* on Leviticus. And much of the basis for the Bavli on *Kodashim* consists of just that material. Is it then any wonder that R. Yohanan is the most-quoted amora of all – Babylonian or Israeli – in the Bavli as a whole?

In other words, the Bavli is the Yerushalmi writ large – in its Babylonian incarnation, including developments of the century and a half that had elapsed. Alyssa M. Gray, in her recently published dissertation, suggests that the anonymous material in Bavli *'Avodah Zarah* may be divided into three parts: originally Palestinian amoraic material that appears anonymously, originally Palestinian anonymous material that remains anonymous, and Babylonian redactional material. She further suggests that there is at least some indication that the Bavli's redactors were consciously aware of a particular Babylonian approach to halakhah.[270] In any case, with the completion of the Bavli, at about 530, we can truly

[267] As is well known, not all of these are authentic statements of R. Yohanan, but since his name was used to identify statements from the West in any case, it does not matter for our purposes.

[268] In this case R. Zera's contribution is small: 18 for *Zevaḥim* and 15 for *Menaḥot*.

[269] The difficulties of distinguishing between Rava and Rabbah, whose names differ by just one Hebrew letter, was pointed out by Shamma Friedman (1992), but when we combine the two for our purposes, it makes no difference if some statements attributed to one were actually made by the other.

[270] Gray 2005, 195–197.

say that the world of antiquity and late antiquity of Mesopotamian Jewry came to a close, and with it, our tentative historical narrative.

Bibliography

Abraham, K. 2005–2006. "West Semitic and Judean Brides in Cuneiform Sources of the Sixth Century BCE: New Evidence from a Marriage Contract from Āl-Yahudu." *Archiv für Orientforschung* 51:198–219.

Annus, A. 2010. *Divination and Interpretation of Signs in the Ancient World.* Oriental Institute Seminars 6. Chicago: Oriental Institute of the University of Chicago.

Arnason, J. 2012. "Rehistoricizing the Axial Age." In Bellah and Joas 2012, 337–365.

Assmann, J. 2012. "Cultural Memory and the Myth of the Axial Age." In Bellah and Joas 2012, 366–408.

Azzoni, A. 2003. "Women and Property in Persian Egypt and Mesopotamia." Paper presented at the Colloquium on Women and Property in Ancient Near Eastern and Mediterranean Societies, Center for Hellenic Studies, Harvard University, Washington DC, August 21–25. http://chs.harvard.edu/wa/pageR?tn=ArticleWrapper&bdc=12&mn=1784.

Bailey, H. W. 1943. *Zoroastrian Problems in the Ninth-century Books*. Oxford, The Clarendon Press.

Baumgarten, J. M. 1977. *Studies in Qumran Law*. Leiden: E. J. Brill.

Bellah, R. N. 2011. *Religion in Human Evolution: From the Paleolithic to the Axial Age*. Cambridge, MA: Harvard University Press.

Bellah, R. N., and H. Joas, eds. 2012. *The Axial Age and Its Consequences*. Cambridge, MA: Belknap Press of Harvard University Press.

Bernstein, M. J., and S. Koyfman. 2005. "The Interpretation of Biblical Law in the Dead Sea Scrolls: Form and Function." In *Biblical Interpretation at Qumran*, edited by Matthias Henze, 61–87. Grand Rapids, MI: Eerdmans.

Bottéro, J. 1992. *Mesopotamia: Writing, Reasoning, and the Gods*. Chicago: University of Chicago Press.

Bowersock, G. W. 2013. "A Different Turning Point for Mankind?," review of *The Axial Age and Its Consequences*, edited by Robert N. Bellah and Hans Joas, *New York Review of Books*, May 9.

Boyarin, D. 2007. "Hellenism in Jewish Babylonia." In *The Cambridge Companion to Rabbinic Literature*, edited by Charlotte Elisheva Fonrobert and Martin S. Jaffe, 336–363. Cambridge: Cambridge University Press.

Boyce, M. 1968. "Middle Persian Literature." In *Handbuch der Orientalistik*, 4.2.1 (Iranistik), *Literatur, Lieferung 1*, edited by B. Spuler, 31–66. Leiden: E. J. Brill.

–. 1991. *A History of Zoroastrianism*, vol. 3: *Zoroastrianism under Macedonian and Roman Rule*. Leiden: E. J. Brill.

Brack-Bernsen, L. 2010. "Methods for Understanding and Reconstructing Babylonian Predicting Rules." In *Writings of Early Scholars in the Ancient Near East, Egypt, Rome and Greece: Translating Ancient Scientific Texts*, edited by A. Imhausen and T. Pommering, 277–297. Berlin: Walter de Gruyter.

Brettler, M. Z. 2010. "The 'Coherence' of Ancient Texts." In *Gazing on the Deep: Ancient Near Eastern and Other Studies in Honor of Zvi Abusc*h, edited by J. Stackert et al., 411–419. Bethesda, MD: CDL Press.

Brodsky, D. Forthcoming. "'*Hirhur ke-ma'aseh damei*' ('Thought Is Akin to Action'): The Importance of Thought in Zoroastrianism and the Development of a Babylonian Rabbinic Motif." In *Irano-Judaica* 7, edited by S. Shaked and A. Netzer. Jerusalem: Ben Zvi Institute.

Brody, R. 1988. *The Geonim of Babylonia and the Shaping of Medieval Jewish Culture*. New Haven: Yale University Press.

Cantera, A. 2004. *Studien zur Pahlavi-Übersetzung des Avesta*. Iranica 7. Wiesbaden: Harrassowitz.

Cereti, C. G. 1997. "Primary Sources for the History of Inner and Outer Iran in the Sasanian Period (Third-Seventh Centuries)." *Archivum Eurasiae medii aevi* 9:17–71.

Charpin, D. 2010. *Reading and Writing in Babylon*. Cambridge, MA: Harvard University Press.

Cohen, B. 1966. *Jewish and Roman Law: A Comparative Study*. New York: Jewish Theological Seminary of America.

Coolidge, F. L., and T. Wynn. 2009. *The Rise of* Homo Sapiens: *The Evolution of Modern Thinking*. Chichester, West Sussex: Wiley-Blackwell.

Dalley, S., ed. 1998. *The Legacy of Mesopotamia*. Oxford: Oxford University Press.

Daube, D. 1980. "Jewish Law in the Hellenistic World." In *Jewish Law in Legal History and the Modern World*, edited by B. S. Jackson, 45–60. Leiden: E. J. Brill.

–. 1992. "Negligence in the Early Talmudic Law of Contract." In *Collected Works of David Daube*, vol. 1: *Talmudic Law*, edited by Calum M. Carmichael, 305–332. Berkeley: University of California Press.

Davis, J. 2002. "The Reception of the 'Shulhan 'Arukh' and the Formation of Ashkenazic Jewish Identity." *Association for Jewish Studies Review* 26:251–276.

Dehaghi-Jaffari, M. 1998. *Dādestān ī Dēnīg, Part I, Transcription, Translation and Commentary.* Studia Iranica 20. Paris: Association pour l'avancement des études iraniennes.

Donald, M. 2012. "An Evolutionary Approach to Culture: Implications for the Study of the Axial Age." In Bellah and Joas 2012, 47–76.

Driver, G. R., and J. C. Miles. 1968. *The Babylonian Laws*. 2 vols. Corrected ed. Oxford: Clarendon Press.

Ebeling, E., and V. Korošec. 1938. "Ehe." *Reallexikon der Assyriologie* 2, 281–299. Berlin: Walter de Gruyter.

Eichler, B. 1987. "Literary Structure in the Laws of Eshnunna." In *Language, Literature and History: Philological and Historical Studies Presented to Erica Reiner*, edited by F. Rochberg, 71–84. New Haven: American Oriental Society.

–. 2008. "Exodus 21:22–25: Revisited: Methodological Considerations." In *Birkat Shalom: Studies in the Bible, Ancient Near Eastern Literature, and Postbiblical Judaism Presented to Shalom M. Paul on the Occasion of His Seventieth Birthday*, edited by C. Cohen et al., 11–29. Winona Lake, IN: Eisenbrauns.

–. 2009. "Examples of Restatement in the Laws of Hammurabi." In *Mishneh Todah: Studies in Deuteronomy and Its Cultural Environment in Honor of Jeffrey H. Tigay*, edited by N. S. Fox, D. A. Glatt-Gilad, M. J. Williams, et al., 365–400. Winona Lake, IN: Eisenbrauns.

Eisenstadt, S. N., ed. 1986. *The Origins and Diversity of Axial Age Civilizations*. Albany: SUNY Press.

Elkana, Y. 1986. "The Emergence of Second-Order Thinking in Classical Greece." In Eisenstadt 1986, 40–66.

Elman, Y. 1993. "'It Is No Empty Thing': Nahmanides and the Search for Omnisignificance." *The Torah U-Madda Journal* 4:1–83.

–. 1996. "Some Remarks on 4QMMT and the Rabbinic Tradition, Or, When Is a Parallel Not a Parallel?" In *Reading 4QMMT: New Perspectives on Qumran Law and History*, edited by M. J. Bernstein and J. Kampen, SBL Symposium Series 2, 99–128. Atlanta: Scholars Press.

–. 1999. "Orality and the Redaction of the Babylonian Talmud," *Oral Tradition* 14/1:52–99.

–. 2002. "The Rebirth of Omnisignificant Biblical Exegesis in the Nineteenth and Twentieth Centuries." *Jewish Studies: An Internet Journal* 2:199–249. http://www.biu.ac.il/js/JSIJ/2–2003/Elman.pdf.

–. 2003. "Marriage and Marital Property in Rabbinic and Sasanian Law." In *Rabbinic Law in Its Roman and Near Eastern Context*, edited by C. Hezser, 227–276. Tübingen: Mohr Siebeck.

–. 2004a. "'Up to the Ears' in Horses' Necks (B. M. 108a): On Sasanian Agricultural Policy and Private 'Eminent Domain,'" *Jewish Studies: An Internet Journal* 3:95–149.

–. 2004b. "Acculturation to Elite Persian Norms in the Babylonian Jewish Community of Late Antiquity." In *Neti'ot David*, edited by E. Halivni, Z. A. Steinfeld, and Y. Elman, 31–56. Jerusalem: Orhot.

–. 2004c. "Rava ve-darkei ha-iyyun ha-Eretz Yisraeliyyot be-midrash ha-halakhah." In *Merkaz u-tefutzah: Eretz Yisrael veha-tefutzot bi-ymei Bayit Sheni, ha-Mishnah veha-Talmud*, edited by Y. Gafni, 217–242. Jerusalem: Merkaz Shazar.

–. 2005 [published 2009]. "The Other in the Mirror: Iranians and Jews View One Another: Questions of Identity, Conversion and Exogamy in the Fifth-Century Iranian Empire, Part 1." *Bulletin of the Asia Institute* 19 (Festschrift for P. O. Skjærvø):15–26.

–. 2006. "Scripture versus Contemporary Needs: A Sasanian/Zoroastrian Example." *Cardozo Law Review* 28:153–169.

–. 2007a. "Middle Persian Culture and Babylonian Sages: Accomodation and Resistance in the Shaping of Rabbinic Legal Tradition." In *The Cambridge Companion to the Talmud and Rabbinic Literature*, edited by C. E. Fonrobert and M. S. Jaffe, 165–197. Cambridge: Cambridge University Press.

–. 2007b. "'He in His Cloak and She in Her Cloak': Conflicting Images of Sexuality in Sasanian Mesopotamia." In *Discussing Cultural Influences: Text, Context, and Non-Text in Rabbinic Judaism: Proceedings of a Conference on Rabbinic Judaism at Bucknell University*, edited by R. Ulmer, 129–164. Lanham, MD: University Press of America.

–. 2008. "Hercules within the Halakhic Tradition: A Response to Ronald Dworkin." *Dinei Yisrael* 25:7*–42*.

–. 2010a. "The Other in the Mirror: Iranians and Jews View One Another: Questions of Identity, Conversion and Exogamy in the Fifth-Century Iranian Empire, Part 2." *Bulletin of the Asia Institute* 20:25–46.

–. 2010b. "Toward an Intellectual History of Sasanian Law: An Intergenerational Dispute in *Hērbedestān* 9 and Its Rabbinic Parallels." In *The Talmud in Its Iranian Context*, edited by C. Bakhos and R. Shayegan, 21–57. Tübingen: Mohr Siebeck.

–. 2011a. "Resh Pesaḥim ba-Bavli uvi-Yrushalmi: She'elot ba-'arikhah uve-hithavvut." In *Melekhet maḥshevet: Kovetz ma'amarim be-nos'ei 'arikhah ve-hitpaṭḥut shel ha-sifrut*

ha-talmudit, edited by A. Amit and A. Shemesh, 9–25. Ramat Gan: Bar Ilan University Press.
–. 2011b. "Why Is There No Central Zoroastrian Temple?: A Thought Experiment." In *The Temple of Jerusalem: From Moses to the Messiah: Studies in Honor of Professor Louis H. Feldman*, edited by S. Fine, 151–170. Leiden: Brill.
–. 2012. "Jewish Acculturation to Elite Persian Norms at the End of the Parthian Period." In *The Parthian Empire and its Religions: Studies in the Dynamics of Religious Diversity*, edited by P. Wick and M. Zehnder, with J. Schäfer, Pietas 5, 151–161. Gutenberg: Computus, 2012.
–. 2013. "Law in the Crisis of Empire: A Sasanian Example." *Journal of Persianate Societies* 6: 101–114.
–. Forthcoming a. "The *Hērbedestān* in the *Hērbedestān*: Priestly Teaching from the Avesta to the Zand." *Irano-Judaica* VII.
Epstein, Y. N. 1963/4. *Mavo' le-nosaḥ ha-Mishnah*. 2nd ed. Jerusalem: Magnes; Tel Aviv: Devir.
Finkelstein, J. J. 1981. "The Ox That Gored." *Transactions of the American Philosophical Society,* n.s., 71 (2):1–89.
Finley, M. I. 1985. *Ancient History: Evidence and Models*. New York: Viking.
Fishbane, M. 1985. *Biblical Interpretation in Ancient Israel*. Oxford: Clarendon Press.
Foster, B. R., and K. P. Foster. 2009. *Civilizations of Ancient Iraq*. Princeton: Princeton University Press.
Frahm, E. 2011. *Babylonian and Assyrian Text Commentaries: Origins of Interpretation*. Guides to the Mesopotamian Textual Record 5. Münster: Ugarit-Verlag.
Freedman, S. M. 2006. *If a City Is Set on a Height: The Akkadian Omen Series "Šumma alu ina mēlê šakin,"* vol. 2: *Tablets 22–40*. Occasional Publications of the Samuel Noah Kramer Fund 19. Philadelphia: Samuel Noah Kramer Fund.
Friedman, S. Y. 1992. "Ketiv ha-shemot 'Rabbah' ve-'Rava' ba-Talmud ha-Bavli." *Sinai* 55:140–164.
Gárcia Martínez, F., and E. T. C. Tigchelaar. 1997. *The Dead Sea Scrolls Study Edition*, vol. 1. Leiden: Brill.
Geller, M. J. 1991. "Akkadian Medicine in the Babylonian Talmud." In *A Traditional Quest: Essays in Honor of Louis Jacobs*, edited by D. Cohn-Sherbok, Journal for the Study of the Old Testament Supplement Series 114, 102–112. Sheffield: JSOT Press.
–. 1997. "The Last Wedge." *Zeitschrift für Assyriologie* 87:43–95.
–. 2000. "An Akkadian *Vademecum* in the Babylonian Talmud." In *From Athens to Jerusalem: Medicine in Hellenized Jewish Lore and in Early Christian Literature. Papers of the Symposium in Jerusalem, 9–11 September 1996,* edited by S. Kottek et al., 13–32. Rotterdam: Erasmus.
Geller, S. A. 2010. "God, Humanity, and Nature in the Pentateuch." In *Gazing on the Deep: Ancient Near Eastern and Other Studies in Honor of Tzvi Abusch*, edited by J. Stackert et al., 421–465. Bethesda, MD: CDL Press.
George, A. R. 2003. *The Babylonian Gilgamesh Epic: Introduction, Critical Edition and Cuneiform Texts*. 2 vols. Oxford: Oxford University Press.
Gilat, Y. D. 1984. *R. Eliezer ben Hyrcanus: A Scholar Outcast*. Ramat Gan: Bar Ilan University Press.
Gray, A. M. 2005. *A Talmud in Exile: The Influence of Yerushalmi Avodah Zarah on the Formation of Bavli Avodah Zarah*. Brown Judaic Studies 342. Providence, RI: Program in Judaic Studies, Brown University.

Greenberg, M. 1960. "Some Postulates of Biblical Criminal Law." In *Yehezkel Kaufmann Jubilee Volume: Studies in Bible and Jewish Religion Dedicated to Yehezkel Kaufmann on the Occasion of His Seventieth Birthday*, 5–28. Jerusalem: Magnes Press.

Guinan, A. 1989. "The Perils of High Living: Divinatory Rhetoric in Šumma Ālu." In *DUMU-E_2-DUB-BA-A: Studies in Honor of Åke W. Sjöberg*, edited by H. Behrens et al., Occasional Publications of the Samuel Noah Kramer Fund 11, 227–235. Philadelphia: University Museum.

Harris, J. M. 1995. *How Do We Know This? Midrash and the Fragmentation of Modern Judaism*. Albany: State University of New York Press.

Hayes, C. E. 1997. *Between the Babylonian and Palestinian Talmuds: Accounting for Halakhic Difference in Selected Sugyot from Tractate Avodah Zarah*. New York: Oxford University Press.

Hezser, C. 2005. *Jewish Slavery in Antiquity*. Oxford: Oxford University Press.

Hoffmann, D. Z. 1928/9. *Mesillot le-Torat ha-tanna'im*. Tel Aviv. Translation of *Untersuchungen über die halakischen Midrashim*. Berlin, 1927.

Holtz, S. E. 2009. *Neo-Babylonian Court Procedure*. Leiden: Brill.

Honoré, T. 1998. *Law in the Crisis of Empire, 379–455 AD: The Theodosian Dynasty and Its Quaestors*. Oxford: Clarendon Press.

Humphreys, S. C. 1975. "'Transcendence' and Intellectual Roles: The Ancient Greek Case." *Dædalus* 104 (2):91–118.

Hurowitz, V. A. 2005. "Hammurabi in Mesopotamian Tradition." In *"An Experienced Scribe Who Neglects Nothing": Studies in Honor of Jacob Klein*, edited by Y. Sefati et al., 497–532. Bethesda, MD: CDL Press.

Huyse, P. 2008. "Late Sasanian Society between Orality and Literacy." In *The Idea of Iran,* vol. 3: *The Sasanian Era*, edited by V. S. Curtis and S. Stewart, 140–155. London: British Museum.

Jaspers, K. 1965. *The Origin and Goal of History*. New Haven: Yale University Press.

Kahana, M. I. 2006. "The Halakhic Midrashim." In *The Literature of the Sages: Second Part: Midrash and Targum, Liturgy, Poetry, Mysticism, Contracts, Inscriptions, Ancient Science, and the Languages of Rabbinic Literature*, edited by S. Safrai et al., 3–105. Assen: Van Gorcum; Philadelphia: Fortress Press.

–. 2011. *Sifre ba-midbar: Mahadurah mevo'eret*. 3 vols. Jerusalem: Magnes.

Kaufmann, Y. 1960. *The Religion of Israel*. Translated and abridged by M. Greenberg. Chicago: University of Chicago Press.

Kellens, J., and P. O. Skjærvø. 2003. "Zarathustra: First Poet-Sacrificer." In *Paitimāna: Essays in Iranian, Indo-European, and Indian Studies in Honor of Hanns-Peter Schmidt*, edited by S. Adhami, 157–194. Costa Mesa, CA: Mazda.

Kiel, Y. 2011. "Selected Topics in Laws of Ritual Defilement: Between the Babylonian Talmud and Pahlavi Literature." Ph.D. dissertation, Hebrew University of Jerusalem.

–. 2013. "Cognizance of Sin and Penalty in the Babylonian Talmud and Pahlavi Literature: A Comparative Analysis." *Oqimta: Studies in the Talmudic and Rabbinic Literature* 1:1–49. http://www.oqimta.org.il/oqimta/5773/kiel1.pdf.

Koch, H. 2002. "Iranische Religion im achaimenidischen Zeitalter." In *Religion und Religionkontakte im Zeitalter der Achämeniden*, edited by R. G. Kratz, 11–26. Gütersloh: Kaiser, Gütersloher Verlagshaus.

Koch-Westenholz, U. 1995. *Mesopotamian Astrology: An Introduction to Assyrian and Babylonian Celestial Divination*. Copenhagen: University of Copenhagen.

–. 1999. "The Astrological Commentary *Šumma Sîn ina tāmartīšu* Tablet 1." In *La science des cieux: Sages, mages, astrologues*, edited by R. Gyselen, Res Orientales 12, 149–165. Bures-sur-Yvette: Groupe pour l'étude de la civilisation du Moyen-Orient.

König, G. 2010. "Der Pahlavi-Text *Zand ī Fragard ī Juddēvdād*." In *Ancient and Middle Iranian Studies: Proceedings of the 6th European Conference of Iranian Studies, held in Vienna, 18–22 September 2007*, edited by M. Macuch, D. Weber, and D. Durkin-Meisterernst, 115–131. Wiesbaden: Harrassowitz.

Kotwal, F. M, and J. W. Boyd. 1991. *A Persian Offering, The Yasna: A Zoroastrian High Liturgy*. Studia Iranica 8. Paris: Association pour l'avancement des études iraniennes.

Kotwal, F. M., and P. G. Kreyenbroek, with J. R. Russell. 1992. *The Hērbedestān and Nērangestān*, vol. 1: *Hērbedestān*. Studia Iranica 10. Paris: Association pour l'advancement des études iraniennes.

Kraus, F. R. 1960. "Ein zentrales Problem des altmesopotamischen Rechtes: Was ist der Codex Hammu-rabi?" *Geneva*, n.s., 8: 283–296.

Kreyenbroek, P. 1987. "The Zoroastrian Priesthood After the Fall of the Sasanian Empire." In *Transition Periods in Iranian History: actes du Symposium de Fribourg-en-Brisgau (22–24 mai 1985)*. Studia Iranica 5. 151–166. Leuven: Association pour l'avancement des études iraniennes.

–. 2003. "On the Concept of Spiritual Authority in Zoroastrianism." *Jerusalem Studies in Arabic and Islam* 17 (Festschrift for S. Shaked):1–15.

Kugel, J. L. 1981. *The Idea of Biblical Poetry: Parallelism and Its History*. New Haven: Yale University Press.

Lambert, W. G. 1954–1956. "An Address of Marduk to the Demons." *Archiv für Orientforschung* 17:310–321.

–. 1962. "A Catalogue of Texts and Authors." *Journal of Cuneiform Studies* 16:59–77.

Larsen, M. T. 1987. "The Mesopotamian Lukewarm Mind: Reflections on Science, Divination and Literacy." In *Language, Literature, and History: Philological and Historical Studies Presented to Erica Reiner,* edited by Francesca Rochberg-Halton, 203–225. New Haven: American Oriental Society.

Leick, G. 2001. *Mesopotamia: The Invention of the City*. New York: Penguin.

Levine, B. A. 1968. "*Mulūgu*/*Melūg*: The Origins of a Talmudic Legal Institution." *JAOS* 88:271–285.

–. 2002. "On the Role of Aramaic in Transmitting Syro-Mesopotamian Legal Institutions." In *Ideologies as Intercultural Phenomena: Proceedings of the Third Annual Symposium of the Assyrian and Babylonian Intellectual Heritage Project, held in Chicago, USA, October 27–31, 2000*, edited by A. Panaino and G. Pettinato, Melammu Symposia 3, 157–166. Milan: Università di Bologna and IsIAO.

–. 2004. "The Jewish *Ketūbbāh* as a 'Dialogue Document': The Continuity of a Cuneiform Tradition." In *Schools of Oriental Studies and the Development of Modern Historiography: Proceedings of the Fourth Annual Symposium of the Assyrian and Babylonian Intellectual Heritage Project Held in Ravenna, Italy, October 13–17, 2001*, edited by A. Panaino and A. Piras, Melammu Symposia 4, 169–181. Milan: University of Bologna and IsIAO.

Levinson, B. M. 2003. "You Must Not Add Anything to What I Command You: Paradoxes of Canon and Authorship in Ancient Israel." *Numen* 50:1–51.

–. 2008. *Legal Revision and Religious Renewal in Ancient Israel*. Cambridge: Cambridge University Press.

–. 2011. "'The Right Chorale': From the Poetics to the Hermeneutics of the Hebrew Bible." In "*The Right Chorale": Studies in Biblical Law and Interpretation*, 7–39. Winona Lake, IN: Eisenbrauns.

Machinist, P. 1986. "On Self-Consciousness in Mesopotamia." In Eisenstadt 1986, 183–202.

MacKenzie, D. 1974. "Finding's Keeping." In *Mémorial Jean de Menasce*, edited by P. Gignoux and A. Tafazzoli, Fondation culturelle iranienne 185, 273–280. Louvain: Impr. orientaliste.

Macuch, M. 1993. *Rechtskasuistik und Gerichtspraxis zu Beginn des siebenten Jahrhunderts in Iran: Die Rechtssammlung des Farroḫmared i Wahrāmān*. Wiesbaden: Harrassowitz.

–. 2003. "On the Treatment of Animals in Zoroastrian Law." In *Iranica Selecta: Studies in Honour of Professor Wojciech Skalmowski on the Occasion of His Seventieth Birthday*, edited by A. van Tangerloo, Silk Road Studies 8, 167–190. Turnhout, Belgium: Brepols.

Mieroop, M. van de. 1997. "Why Did They Write on Clay?" *Klio* 79:7–18.

Moscovitz, L. 2002. *Talmudic Reasoning: From Casuistics to Conceptualization.* Texts and Studies in Ancient Judaism 89. Tübingen: Mohr Siebeck.

–. 2003. "Designation is Significant: An Analysis of the Conceptual Sugya in bSanh 47b–48b." *Association for Jewish Studies Review* 27:227–252.

–. 2012. "'We May Not Infer Civil Law from Ritual Law': Some Observations on the Internal Unity of Rabbinic Law." In *"Wisdom and Understanding": Studies in Jewish Law in Honour of Bernard S. Jackson*, edited by L. Moscovitz and Y. Rivlin, 193–227. Liverpool: Jewish Law Association.

Muffs, Y. [1969] 2003. *Studies in the Aramaic Legal Papyri from Elephantine*. Leiden: Brill.

Neis, R. 2013. *The Sense of Sight in Rabbinic Culture: Jewish Ways of Seeing in Late Antiquity*. Cambridge University Press.

Neusner, J. 1974–1977. *History of the Mishnaic Law of Purities*. Leiden: Brill.

Nicholas, B. [1962] 1987. *An Introduction to Roman Law*. Rev. ed. Oxford: Oxford University Press.

Nissinen, M. 2010. "Prophecy and Omen Divination: Two Sides of the Same Coin." In *Divination and Interpretation of Signs in the Ancient World*, edited by A. Annus, Oriental Institute Seminars 6, 341–347. Chicago: Oriental Institute of the University of Chicago.

Noam, V. 2010a. "Ritual Impurity in Tannaitic Literature: Two Opposing Perspectives." *Journal of Ancient Judaism* 1:65–103.

–. 2010b. *From Qumran to the Rabbinic Revolution: Conceptions of Impurity* [Hebrew]. Jerusalem: Yad Izhak Ben-Zvi.

–. 2010c. "Nitzanei midrash halakhah be-Qumran. *Dinei Yisrael* 26–27:3–26.

Noegel, S. B. 2010. "'Sign, Sign, Everywhere a Sign': Script, Power, and Interpretation in the Ancient Near East." In *Divination and Interpretation of Signs in the Ancient Near East,* edited by A. Annus, Oriental Institute Seminars 6, 143–162. Chicago: Oriental Institute of the University of Chicago.

Ong, W. 1982. *Orality and Literacy: The Technologizing of the Word*. London: Methuen.

Oppenheim, A. L. 1977. *Ancient Mesopotamia: Portrait of a Dead Civilization*. Rev. ed. Chicago: University of Chicago Press.

Panaino, A. 2005. “Lunar and Snake Omens among the Zoroastrians.” In *Officina Magica: Essays in the Practice of Magic in Antiquity*, edited by S. Shaked, 73–89. Leiden: Brill.

Paul, S. 1970. *Studies in the Book of the Covenant in the Light of Cuneiform Law*. Leiden: Brill.

Perikhanian, A. 1997. *The Book of a Thousand Judgements (A Sasanian Law-Book)*. Translated by N. Garsoian. Costa Mesa, CA: Mazda.

Qimron, E., and J. Strugnell, eds. 1994. *Discoveries in the Judean Desert,* vol. 10: *Qumran Cave 4:V*. Oxford: Clarendon Press.

Reiner, E. 1958. *Šurpu: A Collection of Sumerian and Akkadian Incantations*. Archiv für Orientforschung Beiheft 11. Graz: published by author.

Rochberg, F. 1999. “Empiricism in Babylonian Omen Texts and the Classification of Mesopotamian Divination as Science.” *Journal of the American Oriental Society* 119:559–569.

–. 2010. “‘If P, Then Q: Form and Reasoning in Babylonian Divination.” In *Divination and Interpretation of Signs in the Ancient Near East,* edited by A. Annus, Oriental Institute Seminars 6, 19–28. Chicago: Oriental Institute of the University of Chicago.

Roth, M. T. 1995. *Law Collections from Mesopotamia and Asia Minor*. Atlanta: Scholars Press.

Rubenstein, J. L. 1993. “The *Sukka* as Temporary or Permanent Dwelling: A Study in the Development of Talmudic Thought.” *Hebrew Union College Annual* 64:137–166.

–. 1997. “Some Abstract Concepts in Rabbinic Literature.” *Jewish Studies Quarterly* 4:33–73.

–. 1999. “Nominalism and Realism in Qumranic and Rabbinic Law: A Reassessment.” *Dead Sea Discoveries* 6:157–183.

–. 2003. *The Culture of the Babylonian Talmud*. Baltimore: Johns Hopkins University Press.

Runciman, W. G. 2012. “Righteous Rebels: When, Where, and Why?” In Bellah and Joas 2012, 317–334.

Safa-Isfehani, N. 1980. *Rivāyat-ī Hēmīt-ī Ašawahistān: A Study in Zoroastrian Law*. Harvard Iranian Series 2. Cambridge, MA: Harvard University Press.

Satlow, M. 2008. “Beyond Influence: Toward a New Historiographic Paradigm.” In *Jewish Literatures and Cultures: Context and Intertext*, edited by A. Norich and Y. Z. Eliav, Brown Judaic Studies 349, 37–53. Providence, RI: Brown Judaic Studies.

Schiffman, L. H. 1975. *The Halakhah at Qumran*. Leiden: Brill.

Schremer, A. 2001. “‘[T]he[y] Did Not Read in the Sealed Book’: Qumran Halakhic Revolution and the Emergence of Torah Study in Second Temple Judaism.” In *Historical Perspectives: From the Hasmoneans to Bar Kokhba in Light of the Dead Sea Scrolls: Proceedings of the Fourth International Symposium of the Orion Center for the Study of the Dead Sea Scrolls and Associated Literature, 27–31 January 1999*, edited by D. M. Goodblatt, A. Pinnick, and D. R. Schwartz, Studies on the Texts of the Desert of Judah 37, 105–126. Leiden: Brill.

Schulz, F. 1936. *Principles of Roman Law*. Oxford: Clarendon Press.

Schwartz, D. R. 1992. “Law and Truth: On Qumran-Sadducean and Rabbinic Views of Law.” In *The Dead Sea Scrolls: Forty Years of Research*, edited by D. Dimant and U. Rapoport, 229–240. Leiden: Brill.

Schwartz, G. M. 1995. “Pastoral Nomadism in Ancient Western Asia.” In *Civilizations of the Ancient Near East*, vol. 1, edited by J. M. Sasson et al., 249–258. New York: Scribners.

Schwarz, A. 1893. *Die hermeneutische Analogie*. Vienna. [Translated into Hebrew by Y. L. Landa, *Ha-gezerah ha-shavah: Toledot hitpaṭḥutah be-sifrut ha-Talmud*. New York, 1974/5.]
–. 1897. *Der hermeneutische Syllogismus in der talmudischen Literatur*. Vienna: Israelitisch-Theologisch Lehranstalt.
–. 1916. *Die hermeneutische Quantitätrelation in der talmudischen Literatur*. Vienna: Israelitisch-Theologisch Lehranstalt.
Scurlock, J., and F. Al-Rawi. 2006. "A Weakness for Hellenism." In *If a Man Builds a Joyful House: Assyriological Studies in Honor of Erle Verdun Leichty*, edited by A. K. Guinan et al., Cuneiform Monographs 31, 357–382. Leiden: Brill.
Secunda, S. I. 2007. "*Dashtana* – '*Ki derekh nashim li'*: A Study of the Babylonian Rabbinic Laws of Menstruation in Relation to Corresponding Zoroastrian Texts." Ph.D. dissertation, Yeshiva University, New York.
–. 2012. "On the Age of the Zoroastrian Sages of the Zand." *Iranica Antiqua* 47:317–349.
–. Forthcoming. "The Fractious Eye: On the Evil Eye of Menstruants in Zoroastrian Tradition." *Numen*.
Shaked, S. 1994. *Dualism in Transformation: Varieties of Religion in Sasanian Iran*. Jordan Lectures. London: School of Asian and African Studies.
–. 2012. "Religious Actions Evaluated by Intention: Zoroastrian Concepts Shared with Judaism." In *Shoshannat Yaakov: Jewish and Iranian Studies in Honor of Yaakov Elman*, edited by S. Secunda and S. Fine, 77–113. Leiden: Brill.
Shaki, M. 1971. "The Sasanian Matrimonial Relations." *Archiv Orientalni* 39:322–345.
Shemesh, A. 1995/7. "The Development of the Concept 'Shogeg Karov L'mezid' in the Talmud," *Annual of the Institute for Research in Jewish Law* 20:339–428. [Hebrew]
–. 2002/3. "Le-toldot mashma'am shel ha-musgim mitzvot ta'aseh u-mitzvot lo' ta'aseh." *Tarbiz* 72 (1–2):133–149.
–. 2005. "4Q251: Midrash Mishpatim." *Dead Sea Discoveries* 12:280–302.
–. 2009. *Halakhah in the Making: The Development of Jewish Law from Qumran to the Rabbis*. Berkeley: University of California Press.
Silman, Y. 1985. "Hikkave'uyyot hilkhatiyyot bein nominalizm ve-re'alizm – Iyyunim be-filosofiyyah shel ha-halakhah." *Dinei Israel* 12:249–266.
Skjærvø, P. O. 1995. "Aramaic in Iran." *ARAM* 7:283–318.
–. 2002. "Praise and Blame in the Avesta: The Poet-Sacrificer and His Duties." *Studies in Honor of Shaul Shaked I = Jerusalem Studies in Arabic and Islam* 26:29–67.
–. 2003. "Zarathuštra: First Poet-Sacrificer." In *Paitimāna: Essays in Iranian, Indo-European, and Indian Studies in Honor of Hanns-Peter Schmidt*, edited by S. Adhami, 157–194. Costa Mesa, CA: Mazda.
–. 2007. "The *Videvdad*: Its Ritual-Mythical Significance." In *The Age of the Parthians*, edited by V. S. Curtis and S. Stewart, The Idea of Iran 2, 105–141. London: I. B. Taurus.
–. 2011a. *The Spirit of Zoroastrianism*. New Haven: Yale University Press.
–. 2011b. "Zarathustra: A Revolutionary Monotheist?" In *Reconsidering the Concept of Revolutionary Monotheism*, edited by B. Pongratz-Leisten, 325–358. Winona Lake, IN: Eisenbrauns.
–. 2011c. "Zoroastrian Dualism." In *Light Against Darkness: Dualism in Ancient Mediterranean Religion and the Contemporary World*, edited by A. Lange et al., 55–91. Göttingen: Vandenhoeck & Ruprecht.

Skjærvø, P. O., and Y. Elman. Forthcoming. "Concepts of Pollution in Late Sasanian Iran. Does Pollution Need Stairs, and Does It Fill Space?" Paper presented July 6, 2010, at the Oriental Institute, Oxford University, to be published in *ARAM*.

Spiegel, F. 1856. *Einleitung in die traditionellen Schriften der Parsen*. Leipzig.

Stausberg, M. 2008. "On the State and Prospects of the Study of Zoroastrianism." *Numen* 55:561–600.

Stollte, B. H. 2003. "The *Corpus Iuris Civilis*: Codification and the Encyclopedia of Legal Knowledge." In *Learned Antiquity: Scholarship and Society in the Near East, the Greco-Roman World, and the Early Medieval West*, edited by A. A. MacDonald et al., 81–99. Leuven: Peeters.

Strauch-Schick, S. 2011. "Intention in the Babylonian Talmud: An Intellectual History." Ph.D. dissertation, Yeshiva University, New York.

Stroumsa, G. 2009. *The End of Sacrifice: Religious Transformations in Late Antiquity*. Chicago: University of Chicago Press.

Toorn, K. van der. 2000. "Theology, Priests, and Worship in Canaan and Ancient Israel." In *Civilizations of the Ancient Near East*, vol. 3, edited by J. M. Sasson et al., 2043–2058. Peabody, MA: Hendrickson.

Urbach, E. E. 1984. *Ha-halakhah: Mekoroteha ve-hitpaṭḥutah*. Givatayim: Masadah.

Veldhuis, N. 2003. "Mesopotamian Canons." In *Homer, the Bible, and Beyond: Literary and Religious Canons in the Ancient World*, edited by M. Finkelberg and G. G. Stroumsa, 9–23. Leiden: Brill.

Vevaina, Y. S.-D. 2007. "Studies in Zoroastrian Exegesis and Hermeneutics with a Critical Edition of the *Sūdgar Nask* of *Dēnkard* Book 9." Ph.D. dissertation, Harvard University.

–. 2011. "Relentless Allusion: Intertextuality and the Reading of Zoroastrian Interpretive Literature." In *The Talmud in Its Iranian Context*, edited by C. Bakhos and M. R. Shayegan, 206–232. Tübingen: Mohr Siebeck.

Walter, W. J., Jr. 2013. *Last Ape Standing: The Seven-Million-Year Story of How and Why We Survived*. New York: Walker & Co.

Watson, A. 1995. *The Spirit of Roman Law*. Athens: University of Georgia Press.

Weinfeld, M. 1972. *Deuteronomy and the Deuteronomic School*. Oxford: Clarendon Press.

Weiss, M. 1988. "Ha-otentiyyut shel ha-shakla ve-tarya be-maḥlokot Beit Shammai u-Veit Hillel." *Sidra* 4:53–66.

–. 1990. "Ha-gezerah shavah veha-kal va-ḥomer be-shakla ve-tarya shel Beit Shammai u-Veit Hillel." *Sidra* 6:46–56.

Westbrook, R. 2001. "Conclusions." In *Security for Debt in Ancient Near Eastern Law*, edited by R. Westbrook and R. Jasnow, 327–339. Leiden: Brill.

–. 2009. "Biblical and Cuneiform Law Codes." In *Law from the Tigris to the Tiber*, vol. 1: *The Shared Tradition*, edited by B. Wells and R. Magdalene, 3–20. Winona Lake, IN: Eisenbrauns.

Wolff, H. J. 1951. *Roman Law: An Historical Introduction*. Norman: University of Oklahoma Press.

Woods, C. 2006. "Bilingualism, Scribal Learning, and the Death of Sumerian." In *Margins of Writing, Origins of Culture*, edited by S. L. Sanders, University of Chicago Oriental Institute Seminars 2, 91–120. Chicago: The Oriental Institute of the University of Chicago.

Wright, D. P. 2009. *Inventing God's Law: How the Covenant Code of the Bible Used and Revised the Laws of Hammurabi*. Oxford: Oxford University Press.

Wunsch, C. "Women's Property and the Law of Inheritance in the Neo-Babylonian Period." Paper presented at the Colloquium on Women and Property in Ancient Near Eastern and Mediterranean Societies, Center for Hellenic Studies, Harvard University, Washington DC, August 21–25. http://chs.harvard.edu/wa/pageR?tn=ArticleWrapper&bdc=12&mn=1800.

Yadin, A. 2004. *Scripture as Logos: Rabbi Ishmael and the Origins of Midrash*. Divinations. Philadelphia: University of Pennsylvania Press.

Society and Its Institutions

Ran Zadok

Judeans in Babylonia – Updating the Dossier

Judeans were deported from Judah to Babylonia in two major waves by the officers of Nebuchadnezzar II.[1] The first wave took place in 597 BCE. It was headed by King Jehoiakin and included 10,000 metalworkers. The second wave occurred eleven years later, after the destruction of Jerusalem in 586 BCE. This deportation included mostly the urban elite, notably the population of Jerusalem. This information is based on the account of the Hebrew Bible (2 Kings, Jeremiah, and Ezekiel),[2] which is supplemented by some details from Josephus Flavius. What follows is based mainly on Babylonian sources. There is considerable extrabiblical evidence for the continuous presence of the exiles in Babylonia. Unlike the Hebrew Bible, these external sources by their very nature do not allow us to present a continuous historical narrative, but they are sufficient for reconstructing a profile of the Judeans in the Babylonian diaspora over a period of 270 years (ca. 626–350 BCE).

Regarding the settlement of the exiles in Babylonia, Jehoiakin was held hostage in the Southern Fortress of Babylon.[3] He is mentioned there together with his sons and other Judeans of his retinue.[4] His title is "the son of the King of

[1] This study was conducted with the CTIJ Research group and supported by the "Ancient Israel" (New Horizons) Research Program, Tel Aviv University.

Abbreviations of cuneiform editions not included in the bibliography follow AHw and CAD. PNA 1 = K. Radner, *The Prosopography of the Neo-Assyrian Empire*, vol. 1 (Helsinki: The Neo-Assyrian Text Corpus Project, 1998–1999); PNA 2, 3 = H. D. Baker, *The Prosopography of the Neo-Assyrian Empire*, vols. 2, 3 (Helsinki: The Neo-Assyrian Text Corpus Project, 2000–2001 and 2002 respectively). All the cuneiform material prefixed with II below is Neo-/Late Babylonian (unless otherwise indicated). The months (in Roman numerals) are Babylonian unless otherwise stated. Unpublished BM tablets are quoted with kind permission of the Trustees of the British Museum. Thanks are due to Mr. C. B. F. Walker, who allowed me to consult the Bertin copies, as well as to Professors P. Steinkeller and S. Tinney, who kindly allowed me to quote unpublished tablets from the Harvard Semitic Museum (HSM) and the University Museum (N 4518) respectively, for which I am very thankful. Quotations from the tablets 1913.14 (1526, 1557, 1673) housed in the Spurlock Museum (University of Illinois, Urbana-Champaign) are with kind permission of Prof. W. Pitard. Prof. T. Schneider (Claremont Graduate University) kindly permitted me to quote from IAC 267. Nonbibliographical abbreviations: br. = brother; d. = daughter; f. = father; gs. = grandson; hus. = husband; m. = mother; Nab. = Nabonidus; s. = son; w. = witness. The sign ~ is used when an element of a personal name is repeated. Other abbreviations are self-evident.

[2] For the biblical evidence see Klamroth 1912 and Oded 2010 with previous literature.

[3] Cf. Oelsner 2002, 285.

[4] Cf. Zadok 2002, 27:II, 3–7. The additional four Judeans (judging from their Yahwistic

Judah." He was considered the legitimate Judean ruler by the Babylonian authorities. Zawadzki is of the opinion that Jehoiakin was freed by Amīl-Marduk because the Judeans were the most organized ethnic group among the deportees in Babylonia, but there is no outright confirmation of this assumption: other groups, such as the Egyptians, also had a *Landsmannschaft*-like organization.[5]

There is some evidence for the presence of Israelites or Judeans in Babylonia before Nebuchadnezzar II's deportations. At least two such individuals are recorded there; one (Girrema) is mentioned in Nippur in 626 BCE, i. e., twenty-nine years before the first deportation. He is mentioned in a transaction of the Ebabbar temple of Sippar (northern Babylonia). This temple bought sheep and goats in central or southern Babylonia.[6] The possibility that Girrema arrived from Upper Mesopotamia, where Israelites and Judeans had been present since ca. 732 BCE, cannot be excluded, the more so since several Judeans or Israelites resided just northwest of Babylonia on the Lower Habur river, which like most of the Jazira had become part of the Neo-Babylonian empire after the demise of the Assyrian empire.[7] They are recorded in deeds from there in 602 BCE, just five years before the first deportation. There is ample evidence for immigration from Upper Mesopotamia to Babylonia after the fall of the Assyrian empire: so far over one hundred and fifty individuals with Assyrian names or explicitly defined as Assyrians are recorded in Chaldean and Achaemenid Babylonia. A cohesive group of Assyrians is recorded in Sippar,[8] the Babylonian temple city that was close to Upper Mesopotamia. The Ebabbar temple of Sippar had strong economic ties with adjacent regions on the middle Euphrates, namely Suhu and Hindanu as well as Ruṣapu near the Habur. A list of Hindaneans is preserved in the archive of Ebabbar. It contains at least two Judeans (if not four) as well as a Harranite and two Assyrians.[9] A place named after people from Assur is

---

names, all recipients of rations, kindly communicated to me by the late Prof. J. van Dijk in 1993) are *Ia-ú-i-*[*zi*?*-ri*?]*, I-zi-ri-'-*[*a*?*-ma*?] (VAT 16378 = BE 28186, ii, 10', 15', i. e., *Yhw'zr* and *'zryhw* respectively; the latter is followed by *Iz-ri-mil-ki*, i. e., "Milk is my support," 16', Hebrew or Phoenician); *Ba-rik-ia-a-ma* and *Da-la-A+A-ma* (VAT 16285, 11', r. 5), i. e., *Brkyhw* and *Dlyhw* respectively.

[5] Zawadzki 1993, 315.

[6] Cf. Da Riva 2001.

[7] Habūru, where barley and vines, but no dates were grown (in the time of Nabonidus and Cyrus), is probably not in this region, but on the Habur river in the central Jezira, the more so since a certain area on it is described as a royal grant. The central Jezira was beyond (north of) the zone of date palms (see Jursa 2010, 348).

[8] Notably the Iššar-tarībi family with its own archive. Bongenaar (2000, 89–90) notices the frequency of foreign names there. Jursa (2005, 124), who dates the archive to 8 Cyr–23 Dar. I = 531–499 BCE, points out the lack of property documents for real estate or prebends. This and the fact that Iššar-tarībi / Bunene-ibni and his relatives bear no surname strengthen the case that they were not originally Sipparean. The homonymous individual, who might have leased fields from the Ebabbar temple, also had no real property of his own.

[9] Prof. Zawadzki is due to publish the evidence.

recorded in the Sippar region.[10] Ḥnnyh s. of Tryh (or Tdyh) is datable to the late eighth–early seventh century BCE.[11] The spelling of the theophoric element seems Judean,[12] but it cannot be established where this individual lived.

There is good reason for thinking that among the people who migrated from Assyria to Babylonia in that period there were also Israelites and Judeans. At least one Judean family, that of Ia-še-ia-a-ma (Isaiah), who is recorded at Sippar (531/0 BCE), might have arrived from Assyria or another part of Upper Mesopotamia in view of his daughter's Assyrian name, Ṭābat-Iššar. She had an affair with a certain Ku-lu-ú without the consent of her father.[13] According to the Babylonian documents, the Judean deportees were settled in northern and central Babylonia. Almost two hundred Judeans are recorded in these documents, making this the largest extrabiblical pool or statistical sample of Judeans. Regarding the identification of Judeans in Babylonian documents, most of the evidence is indirect and implicit. The gentilic "Judean" (*Yahūdāyu*) is recorded just once: only King Jehoiakin is explicitly defined as a Judean in the Babylonian sources. All the common individuals who can be regarded as Judeans in Babylonian sources are identified as such only by their names. The most reliable criterion for their identification is the occurrence of the theophoric element Yhw in an individual's name. This theophoric element is written in two different ways in Babylonian cuneiform: (d)*ia*(-*a*)-*hu-u/ú*-, *iá-a-hu-ú*-, d*ia-ku-ú*-,[14] *ia-'-u/ú*-, *ia-a-mu*-, d*Hu-u*- (mostly as the first component in theophoric names); and -*ia*-(*a*)-*ma*,-*iá-a-ma*, -*Ca*-(*'*)*a-ma*, -*Ci*-(*'*-)*a-ma*, -*'-a-ma* (*Ma-la-ku-'-a-ma* below), -*Ce-e-ma*, -*a-ma* (exclusively as the final element of such names)[15] as well as (each once) -*ia-ma-a*,[16] -*Ci-ma* (in *Aq-qa-bi-ma*, below), and -*ia-hu-ú,* -d*ia-a-hu-ú,*[17] -d*ia-hu-ú* (see below), -d*ia-a-ú*.[18] People bearing names with the theophoric element Yhw in Babylonia are definitely Judeans, seeing that no other ethnic

[10] See Jursa 2010, 341.

[11] On an early unprovenanced Aramaic seal, Rawlinson 1865, 241:16 = Davies et al. 1991,121:100.023.

[12] See Becking 1992, 90.

[13] See Zadok 1979, 44. For the status of the father and the other party, see Abraham 2005–2006, 211 with n. 85; Oelsner, Wells, and Wunsch 2003, 928–929:4.3.2 with n. 70; 4.4.2.2: the father obtains a court order annulling his son's marriage concluded without his consent. The bride is threatened with slavery should she make contact with the groom again.

[14] Only once: in *Ia-ku-ú-ki-nu mār* (DUMU) *šarri* (LUGAL) *šá Ia-ku-du* (the latter toponym occurs twice, VAT 16378 = BE 28186 = Weidner 1939, 926:C, r. 17–18). This leaves little doubt that the exceptional rendering of the divine name is influenced by that of the toponym.

[15] The spellings, which are not listed in Zadok 1979, 7–10 are contained in dIa/Iá-a-hu-ú-a-za-ri and Šá-ma-ah-iá-a-ma (Joannès and Lemaire 1999, 18, 33:1, 11, 16, 19) or were kindly communicated to me by Dr. L. Pearce.

[16] Weisberg 2003, 172.

[17] Ab-da-ia-hu-ú, Ab-du-dia-a-hu-ú, Ab-du-diá-a-hu-ú (Joannès and Lemaire 1999, 17–18, 33:1, 12, 21; 27, 34:2, 1).

[18] Zadok 2002, 27:II/8: ˹Ba˺-da-~. This implies that the Babylonan scribes were aware of the divine nature of Yhw at the very beginning of their encounter with the exiles.

group in pre-Hellenistic Mesopotamia worshiped Yhw. Other typical, but not exclusive, Judean names are, e. g., Hoshea, Shabbetai, and Simon.[19] Judeans may be identified in the abundant general documentation from first-millennium Babylonia with various degrees of plausibility.

It is very difficult to distinguish between Hebrew names and Phoenician ones. Yet, most of the ca. 200 individuals identified as Judeans (including 75 Yahwistic names borne by 138 individuals in the documentation from Yahūdu and its vicinity[20]) bore Yahwistic names. Thus the new material from Yahūdu almost doubles the prospographical pool from Babylonia to ca. 316–320 Judeans.

Most of the identifiable Judeans bore Yahwistic names or were blood relatives of persons having such names (the percentage of homonymous individuals who may in fact be identical is negligible in Babylonia). About 50 percent of the names in this statistical sample are Yahwistic, a proportion comparable to that of the lists in Ezra-Nehemiah, but lower than the ratio in Elephantine. This may encourage the assumption that we have rounded up most of the Judeans in the huge Neo/Late-Babylonian corpus. Unlike other ethnic groups, the identification of Judean names is relatively easy, the occurrence of the element Yhw being a particular boon. On the other hand, for most of the other ethnic groups we lack reliable criteria for identification, the more so since gentilics occur quite rarely.

As was already stated, almost all the information comes from Babylonian sources and is dictated by their types. This documentation consists of two main types of archives, namely temple archives and private ones. Royal archives are very rare in Babylonia. Only one small royal archive was discovered there. Fortunately, King Jehoiakin and his dependents are recorded in this royal archive. The temple archives belong to the temple complexes of several Babylonian cities. The private archives were kept by long-established Babylonian families. All of these archives include only clay tablets. They were written by Babylonians for Babylonians. Foreigners, namely non-Babylonians, did not write in cuneiform in Babylonia. The profession of cuneiform scribe, which required a long training and considerable skill, was open only to autochthonous Babylonians. Therefore, we cannot speak of Judean or any foreign archives from Babylonia. What we possess are just by-products of Babylonian scribal activity.

It is very likely that the Judeans, like most of the other foreigners and a growing number of Babylonians, wrote in Aramaic on perishable materials, mostly parchment. Since clay tablets were written by and for Babylonians, they are overrepresented in the documentation. Almost all the recorded transactions are between Babylonian parties or include at least one Babylonian party. Therefore foreigners, including Judeans, are severely underrepresented in the Babylonian

[19] See Zadok 1979, 22–27.

[20] See Pearce 2011, 271–275, and forthcoming: notably the case of Bānīya < Bana-iama; cf. Pearce 2011, 272, for a partial list.

documentation. Hardly any foreign population group in Babylonia passes the two-percent barrier in the general statistics. Thus the impressive Judean sample at our disposal is necessarily fragmentary. The actual percentage of foreigners was probably much higher than that which is obtained from the rich NB/LB documentation, the more so since the countryside was predominantly Aramean and the population of Babylon, which served as the winter residence of the Achaemenid king, included many Persian courtiers and officials. In addition, the geographical distribution of recorded Judeans is dictated by the provenance of the documentation. Both the temple archives and private archives are basically urban. Therefore the countryside is poorly represented.

Only one archive is an exception to this general rule. The holders of the Murašû archive from Nippur conducted most of their transactions in the region of Nippur in central Babylonia. This archive exceptionally does not record almost exclusively members of the Babylonian elite, but offers a fair representation of foreigners including Judeans. In fact, until a decade ago it was thought that most of the Judeans in Babylonia resided in the Nippur region. This distorted view is now corrected thanks to the discovery of a new archive from Yahūdu (Judah) = Ālu-ša-Yahūdāyi (the Judean's settlement),[21] presumably southeast of Babylon, which is also rural. Yahūdu must have originally been a Judean colony; it does not refer to Jerusalem.[22] The background and details of the transactions conducted there leave no doubt that Yahūdu was situated in Babylonia. Judeans resided or were active in most of the temple cities of central and northern Babylonia. They dwelt in the capital, Babylon, and in Borsippa, Kish, Nippur, Isin, Marad, Sippar, and Opis, as well as in many small settlements in central Babylonia. Very few Judeans resided in southern Babylonia despite the rich Babylonian documentation from there (for instance, no more than four are recorded in Uruk and its region, while none is mentioned at Ur). Shushan, where two Judeans are mentioned, refers to the Achaemenid capital of Susa in Elam rather than a homonymous settlement in Babylonia.[23] This geographical distribution accords

[21] Yahūdu = Ālu ša Yahūdāyi (see Pearce 2011, 270) is like Nērebu = Ālu ša Nērebāyi.

[22] Jerusalem is named *Āl-Ia-a-hu-du* in a Babylonian chronicle (Grayson 1975, 102: 5 r. 12). Later analogous cases, where the capital is homonymous with the land are, e. g., Šām = Damascus, Maṣr = Cairo, and Filasṭīn = Ramle. An earlier analogy may be Hatarikka (Ḥdrk/Ḥzrk), which is originally a region name, for its capital *'pš* (modern Tall *Afīs* in Chalcidike, see Kessler 1975, 61). Therefore there is no need to assume (as does Lipiński [2000, 357]) that Hatarikka denotes the whole town whereas *'pš* refers to the acropolis (cf. Astour 1995, 27–28). Hatarikka is not modern ʿAdra northeast of Damascus (*pace* Parpola and Porter 2001, Map 8, and p. 10 quoting Parpola 1987, 134, note on 171, 5; they are followed by Saggs 2001, 229 ad NL 18, 5). Bagg (2007, 94–95, following Kessler 1975, 61) rightly rejects this localization. The postbiblical (mostly medieval) Jewish tradition concerning biblical geographical names (e. g., Aleppo = Aram Zobah), on which Parpola relies, is often unreliable.

[23] Add the reference to a journey of Šamaš-aha-iddina to Susa (Frahm and Jursa 2011, 46, 17, 30: šu-šá-ʾanʾ [ki]), datable to the early Achaemenid period (Frahm and Jursa 2011, 6, n. 34).

well with the situation in later periods, namely the Parthian and Sasanian ones. The exiles were brought to existing settlements, but some founded new colonies as implied by the name Tl ʾbyb, where Ezekiel was active. (Tl ʾbyb [LXX Θελ αβιβ] < *Tl* **ʾbwb* renders Akkadian Til-abūbi, namely "the mound of the deluge," a general term for an uninhabited place.) This process of settling deportees in regions destined to be developed in order to increase agricultural production on the Tigris (area of Keš, Tall Jidr/Tall il-Wilaya) and beyond was initiated by the crown[24] and served its interests. The deportees received crown lands. The colony on Nār Kabari was on the way from Babylon to Susa.[25]

Judeans resided in old and new villages together with other foreigners, notably Phoenicians and Philistines. These groups originated from neighboring regions and spoke mutually intelligible dialects. Problems of oral communication became less acute in the second generation of the exiles. All the long-established foreigners and their offspring acquired the Aramaic language, which was the vernacular of Babylonia then.

Almost all the recorded Judeans are freemen. The notion that the deportees automatically became slaves is merely based on later analogies. Even the few slaves who are recorded might have been basically debt slaves. The number of Judean slaves and other dependents employed in the temple and palatial sectors is very low, whereas many Judeans acted as witnesses and possessed seals, an indication that they were basically freemen. The exiles were employed by both the temple and the private sectors, which were in urgent need of manpower. Exchange of manpower and other resources between the crown and the other sectors was a basic phenomenon of Babylonian management and economics. Most Judeans engaged in agriculture as holders of small plots ("bow lands"), lessees of fields (along canals), tenants, gardeners, and shepherds, but one has to bear in mind that this is dictated by the documentation, which is mostly about grain fields and palm groves. The almost total lack of information about Judean artisans is also to be ascribed to the nature of the documentation. For we happen to know from the Hebrew Bible that numerous Judean metalworkers were deported to Babylonia. Several tenants leased considerable tracts of land along canals. A group of Judeans promised Murašû, in lieu of payment of their debt, forty workmen to work on his estate for a month (Murašû had to pay the workmen's wages). Their activity resembles that of the later and modern *sarkāl*, the "head of the work," i. e., a representative of the cultivators in southern Iraq, superintending their land and supplying a workforce (the foreman of a work

---

Possibly just one Judean is recorded in Achaemenid Persepolis if Ap-pi-ia-ma renders *ʾbyhw* as argued by Lipiński (1977, 102; cf. Tavernier 2002, 147, 2.2).

[24] Cf. Pearce 2011, 271.

[25] As recently established by Waerzeggers (2010b). OECT 10, A 125, 17: KÁ I_7 Ka-bar-r[u] is very probably from Borsippa, cf. line 9. It is about a very large sum of silver.

gang).[26] In later generations some Judeans became fishermen, an occupation that was unknown in Judah, which had neither watercourses nor seas with fish.[27] It should be remembered that not only was fishing a new occupation for Judeans in Babylonia, but also the character of agricultural activity in Babylonia, which was based on irrigated grain fields and palm groves, was entirely different from that in Judah. The adaptation of the deportees to their new environment was not only dictated by economic necessity, but was also advocated by the Judean leadership in exile, who followed Jeremiah's recommendation (29:5) to build houses and plant gardens.[28] These realistic leaders encouraged their people to be incorporated into economic activity in Babylonia and stood up against some anti-Babylonian elements among the first generation of the deportees, whose activity could have endangered the community, as is made clear by the account in Ezekiel. Ma-la-ku-'-a-ma[29] belonged to the palatial sector as early as the Chaldean period. Judging from his name, Šwššr'ṣr (< Šamaš-šarra-uṣur, less likely Šnš<<š>>r'ṣr), father of Yhwyšmʿ,[30] belonged to the same sector (for individuals bearing *šarru*-names in the palatial sector, see the Appendix below). Unlike the temple and local-urban administrations, which were closed to foreigners, the palatial sector absorbed them. More foreigners were admitted into the ranks of the royal administration by the authorities of the Achaemenid empire, which consisted of numerous population groups with high mobility due to participation in compulsory royal projects and military service. Unlike members of the Baylonian urban elite, foreigners residing in Babylonia lacked particularistic aspirations during the Achaemenid period. They were alien corn identified with the central government. The royal administration in late Achaemenid Babylonia underwent a process of internationalization. Judean royal officials were later based in the Achaemenid capital of Susa as well. Most Judeans did not ascend to the higher socioeconomic echelon. A few Judeans acted as minor functionaries, e. g., a rent collector for certain canals (whose *cursus honorum* can be followed), a tax collector of a private firm, and an overseer of the king's poultry. The high official Nehemiah from the capital Susa was an exception. Several royal merchants or commercial agents are mentioned, but this occupation was

---

[26] Cf. Jwaide 1984, 338–339, 343–350.

Not to be compared with the *ʿarīf* in Abbasid Iraq, who was more specialized, being some kind of contractor in charge of supplying laborers for irrigation works only (cf. Abdul Jabbār 1973, 245 with n. 127). Stolper (1999, 374–375) states that according to the Kasr archive, "plowing teams" that included not only oxen and equipment, but also work gangs, were leased.

[27] See Zadok 1979, 75–76. The term *tuqqunu* describing fish, which CAD T, 481a renders "appropriate, of proper quality," means "prepared" according to Beaulieu (1990).

[28] *Gnwt* is related to *gannatu* (sg.), an Aramaic loanword in NB/LB, which denotes a palm grove in Babylonia (cf. Jursa 2010, 335, n. 1950 *in fine)*.

[29] Zadok 2002, 28:II/11.

[30] On an Aramaic[?] seal of unknown provenance, Avigad 1965, 228–230 = 149:100:226 = Zadok 2002, 28:II/18.

mainly in the hands of other foreigners. Such was, for instance, Sîn-aha-iddina in view of his non-Semitic paternal name In-nu-d/ṭa-i-na-' (I-ni- d/ṭa-A+A-', 36 Nbk. II–12 Nab = 569/8–544/3 BCE).[31] Šá-lam-ma-nu s. of *Bal-ta$_5$-mu-'* (with the nominative ending)[32] is based on *baśam*, "balsam" (< Arabian).[33] He acted as the first witness in a deed issued in Opis on 2.VI.2 Nerigl. (558/7 BCE, 5R 67, 3, 11).[34] His son's name, Nergal-šarra-uṣur (the third witness on the deed), is typical of a royal functionary.

A Judean travelled from Sippar to Humadešu in Persis, presumably on business (523/2 BCE).[35] It is noteworthy that relatively many Judeans were employed as alphabet scribes who wrote in Aramaic script, in contradistinction to the exclusively Babylonian scribes writing on clay. The relatively new profession of alphabet scribes was open to foreigners. Since the seventh century BCE at the latest, these scribes wrote in Aramaic, the *lingua franca* of the three successive empires, namely the Assyrian, Neo-Babylonian, and Achaemenid. But why are Judeans and not Arameans or other West Semites overrepresented in this profession? Is it due to the fact that literacy was widespread in Judah in the late preexilic period (that is to say, shortly before the destruction of the first temple, in view of the rich epigraphic finds from Judah, especially ostraca and bullae)? One Judean, who belonged to the *haṭru*-organization of the alphabet scribes of the army (or of the workmen or work gangs)[36] in or near Nippur, served with his fully equipped and armored horse in the army (in Uruk) in the late Achaemenid period. An earlier case of this profession among Judeans is that of [xx(x)] s. of Za-kar-˹ri˺? – ˹ia!-ma˺, a military alphabet scribe (˹lú˺*se˹-pir-r*[*i šá*? lú*u*]*m-manna*).[37] He is recorded in BM 26553 (Babylon, 3.X.14 Dar. I = 508/7 BCE), a receipt for 15 kors of barley for military equipment (*ap-˹pa-sa-di*, a variant of *pa-sa-'-du*)[38] for year [x] of Dar. I, charged against (the share of) the prominent Borsippan Nabû-zēra-ušabši / Nabû-ēṭir-napšāti // Ilīya (the archive holder). It is stated in the postscript that this payment (at the disposal of Ṭābīya / Nabû-ēṭir // Ša-rēš-ummāni) is according to the order of Ku-pa-pu-ra-a(?) and Bēl-zēra-ibni, who are in charge of the military equipment (the latter is homonymous with the third witness, B. / Aplâ). The Judean military alphabet scribe presumably received and registered the quantity of barley (he was apparently a subordinate

[31] Dandamayev 1995, 528–529; one deed is witnessed by a certain Bēl-erība who bore the non-Semitic, perhaps Elamite, paternal name In-za-ra-he-eš.

[32] Not *Bal-tú-mu-'* as read in Zadok 1978, 72, 156.

[33] Cf. Jursa 2009, 156.

[34] Cf. Jursa 2010, 80–81 with n. 401.

[35] See Zadok 2002, 31.

[36] Stolper (1999, 374–375) calls attention to the fact that *uqu* denotes not only "troops," but also "workers."

[37] Zadok 2002, 32:II/44.

[38] See Waerzeggers 2010a, 351, n. 1183.

of Nūr-[xx, the treasurer = *ra*]*b kāṣiri*).[39] Members of the Dābibi clan act as the first two witnesses. They are presumably from Babylon. Most of the remaining five witnesses do not occur in Borsippan deeds.

The Judeans were organized in clans. Descendants of the deportees belonged to several big clans in the Nippur region. We can follow their social ties and economic activity over three or four generations. A certain degree of social cohesion can be observed among the Judeans, even many generations after the deportations. For instance, a Judean contractor hired agricultural workers who belonged to his own ethnic group. Most of these workers probably belonged to his own clan. As is well known, the exilic period was crucial for the crystallization of Jewish religious law. Regrettably, the extrabiblical information about the religious character of the exiles in Babylonia is minimal, as the documentation is exclusively economic. It is noteworthy that none of the documents in which Judeans are recorded were issued on Saturday or during Jewish holidays. None of the few seals used by Judean signatories or witnesses of deeds has a pagan scene on it. Moreover, the Judean onomasticon, that is to say the names borne by Judeans in the fifth century BCE, reveals to some extent a religious revival: there are more Yahwistic names in this period than in the preceding generation, as shown by an analysis of the genealogies. This revival is compatible with the restorative tendencies of Ezra and Nehemiah, who lived in the same age and hailed from the diaspora. The meagre evidence for mixed marriages in Babylonia is presumably the exception rather than the rule. This phenomenon existed but was exceptional in Egypt, notably in Elephantine, in this period as well. After all, the Babylonian deeds, which were written for Babylonians, would have recorded only marriages in which at least one party was Babylonian. The Judean marriage agreements are not preserved, as they were written on perishable materials. The only recorded mixed marriage is between a Babylonian and the daughter of a deceased affluent Judean (she was given in marriage by her mother and her eldest brother). This accords well with the fact that mixed marriages in Judah in the same period were practiced primarily by members of prominent circles, who had intensive social contacts with their pagan equals. It is another confirmation of the fact that urbanite Babylonians (surname bearers) took foreign wives but did not give their daughters in marriage to foreigners (see below). There is no evidence for the existence of a Judean temple in Babylonia. Oded is of the opinion that *hmqwm* (Kspy' ~) does not refer to a sanctuary, implying that it has here its basic denotation, viz. "place."[40] He points out the absence of minorities' temples in Mesopotamia.[41] However, it should not be forgotten that there is no reason to expect foreign temples to be mentioned in the abundant NB/LB documentation,

[39] See Jursa 2010, 249, n. 1474.
[40] Oded 2004, 105.
[41] Oded 2004, 111–112.

which was written by and for Babylonians and therefore contains information only on long-established Babylonian temples. Moreover, for all we know, foreigners did not participate in worship at the Babylonian temples. It stands to reason that they kept their own sanctuaries: in fact very few foreign deities (e. g., Adad of Aleppo and Sutītu) were worshipped in Babylonian temples. Regarding Judeans, certain exilic prophets were against the existence of Yahwistic temples on Babylonian soil.[42] However, this creates serious problems. For example, how did the exiles consume meat? Potentially, the Judeans in Babylonia (e. g., in Babylon and Kspy') had the cultic personnel necessary to maintain a modest shrine. The existence of a temple of Yhw in the diaspora was possible, in view of the case of Elephantine (525–410 BCE), where a temple was founded with the consent of the Persian government. It was destroyed by the native Egyptians apparently because they resented the blood sacrifices of the Jews.[43] Such a motivation for destroying a foreign temple presumably did not exist in Babylonia.

The exiles and their descendants preserved their separate and distinct identity even in Babylonia, which had a very ancient and prestigious cultural tradition, not only because of their strong religious heritage but also due to the segregation of Babylonian society. Unlike the Assyrians, who had a declared policy of absorbing the numerous deportees, the citizens of the Babylonian temple cities, notably the urban elite, did not mix with foreigners. They never gave their own daughters in marriage to non-Babylonians, although they themselves did marry foreign girls. This asymmetry is understandable if one takes into account that members of the Babylonian elite formed the most prestigious group in Babylonia, whereas foreign deportees were initially at the bottom of the social scale. This basic situation was not significantly changed with the passage of time. Judean social coherence, cohesion and nonassimilation were enhanced by the fact that the Babylonian elite discouraged assimilation. A historical problem seems to be created by the disparity between the very low percentage of Judean exiles in the general population of Achaemenid Babylonia (less than 1 percent) and their demographic strength in later Babylonia (one million Jews in Parthian Babylonia according to Josephus is exaggerated, yet conforms to a Jewish majority in parts of northern Babylonia according to the Babylonian Talmud). Yet, two considerations lessen this problem: the first one is the extreme underrepresentation of Judeans in the Babylonian sources; the second is the fact that the Jewish mission took place in Babylonia as in other parts of the diaspora in the post-Achaemenid periods, especially under the tolerant Parthian rule. Proselytes are indeed recorded in the Babylonian Talmud.

I would like to present some new documentation consisting of at least eleven additional Judeans. Of course, this is very meager compared with the rich ma-

[42] See Oded 2010, 286–342 and passim.
[43] See Grabbe 1992, 138.

terial from the Judean colony (Āl-Yahūdu). For instance, Kīnâ (GIN-a) s. of A-hu-k[a (-x)] is listed as the first witness, probably because of his prominent position[44] or his special relationship to one of the parties. The fact that he is homonymous with [K]i-na-a, the groom's father (if one prefers the reading Kīnâ over the alternative Mukīn-apli), cannot be overlooked. Perhaps he was the same person.

1. Da-di-ia s. of Mi-na-áš-še-e, second witness (out of three; the first witness is a descendant of Rab-banî, the last witness is Nabû-lū-salim, the royal alphabet scribe), Egibi archive, Babylon, 8.VIII.2 Nerigl. = 558/7 BCE. The other party is a royal courtier.[45] This is not the earliest attestation of a Judean,[46] for there are ten earlier occurrences.[47] **2. Ia-a-hu-ú-ra-mu** (SCT 100 =SC 9, 7), possibly from Sippar, presumably the first half of the sixth century BCE if he is the same individual as Ia-hu-ú-ra-am the father of Minu-eššu. The latter held a field in Til-gubbi somewhere between Sippar and Babylon, in 4.-.551/0–13.VII.545/4 BCE.[48] Quantities of barley (total 34;1.3 kors) and flour delivered by four individuals are listed in descending order, in which case Ia-a-hu-ú-ra-mu, who delivered (all quantities are in kors) 6 barley, 2 +[1];2.3 flour, 1;2.3 for transportation costs (*gimru*),[49] and 4;3.2 as his income (*erbu*)[50] is listed third after Pir'u and Pir'u & Libluṭ, who delivered larger quantities (Pir'u: 16;3.1 barley, 2;2 flour, 4.0.5 as transportation costs, 12;3.5 as his income; Pir'u & Libluṭ: 8;1.5 barley, 6;1.1.3 flour, 2;0.2.3 as transportation costs, and 6;1.1 as their income), but before Šamaš-ēṭir with the smallest quantities (3;1.3 barley, 2;2.3 flour, 0;4.0.4 as transportation costs, and 2;3.1 as his income). **3. A-ri-hi** received at least one mina and 52 shekels of gold on behalf of his son A-mu-še-e, Ebabbar archive, Sippar(-region), 544/3 BCE. Ahi-ia-a-ma son of A-ri-ih[51] witnessed the marriage contract of the daughter of A-mu-še-e from 5 [Cyrus = 534/3 BCE], possibly (at least) ten years later. Bēl-iddina s. of A-mu-še-e (503/2 BCE)[52] may be another brother (presumably a younger one), seeing that he acted as the third witness in

[44] See Abraham 2005–2006, 216 ad 198–199, 29.

[45] Spar and von Dassow 2000, 95–97:46.

[46] Despite Avishur and Heltzer 2007, 21–22; cf. Pearce 2011, 270, n. 3.

[47] Listed in Zadok 2002, 27–28:II/1–10.

[48] See Zadok 2002, 28:II/13; Jursa 2010, 338–340 with n. 1991.

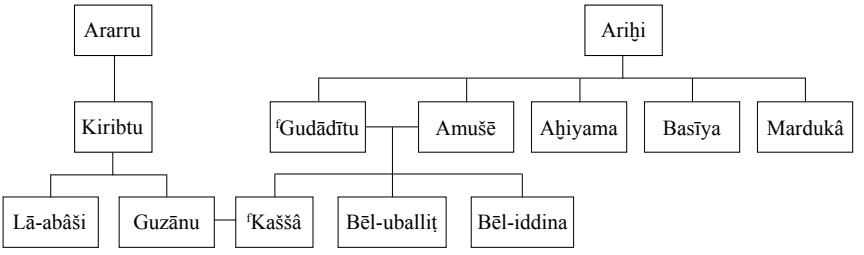
[49] See Jursa 2010, 128 with n. 753; and M. Weszeli in Jursa 2010, 140–141, 152 with n. 855.

[50] For agricultural income, see Jursa 2010, 541–549, 564–567.

[51] *'rḥ* in 1 Chr 7:39 = LXX Ορεχ, whereas the occurrences in the earlier Census List are rendered as Αρες, Ηραμ (see Zadok 1988, 70 with n. 120); cf. P. Talon, PNA 1, 130a, s. v. *Arhê* (rejecting the Akkadian derivation of Tallqvist 1914, 28a). *E-re-hi, lahhinu* (a kind of steward) of Nabû in the undatable fragment ADD 302 = ARU 542, 2 (with *a-* > *-e-*; neither reedited nor listed in PNA) is hardly an Israelite-Judean in view of his cultic function. Jursa (2006, 455, ad 15, 7–8) notices *Šá-di-ku* s. of *A-ri-hi*, slave, Bīrānātu (perhaps near Sippar), 17.XI.24 Nbk. II = 581/0 B.C.E., whose name possibly denotes "calm, quiet" (compare to JAram., Chr. Pal. Aram. and Mand. Š-D-K "to be calm, quiet").

[52] Zadok 2002, 32:II/45.

a deed whose first witness, Bān-zēri/Rēmūt-Bēl // Isināyu may be identical with Nabû-bān-zēri / Rēmūt-Bēl // Isināyu, the third witness in the marriage contract BM 68921 from 5 [RN = Cyr.],which was issued 31 years earlier (unless the RN of this contract can be restored as Cambyses or Darius I, in which case the chronological gap would be narrowed to 22 or 14 years respectively). The following family tree is based mostly on Jursa.[53]



4. Ba-na-a-ma s. of Nabû?-x […], seller of female slaves, Nippur, 22.XII.[x] Dar. I (sometime between 522 and 486 BCE) is recorded in the contract N 4518. The female slaves ^{f}x˾ [...] and ^{fd}na-na-˹a˺-si-lim˾ were sold for one mina of silver to Bēl-ri-'-x˾ [(…)] s. of Bēl-šu-lum-x˹ (the readings are tentative as the tablet is damaged and eroded).

The following two deeds belong to the archive of Tattannu:

5. Mu- na˾-[h]i˾- im-mu, chief of the carpenters (^{lú}GAL NAGAR), was in control of three alphabet scribes of the female flour grinders (*sepīrē ša qēmêti*),[54] viz. Ile'i-bulluṭ-Bēl, Nabû-bēl-napšāti, and Iddina-Nabû, according to HSM 1931.1.12 = 8415 from Babylon, 1.II.21 Dar. I = 501/0 BCE. These scribes received 130 kors of barley, the price of an unspecified quantity of dates, from Nabû-nādin, the major domo of Tattannu I. They will enter the barley in the royal register (^{giš}DA šá LUGAL) and return the barley to Nabû-nādin. The deed is witnessed by Nabû-nāṣir/Bēl-aha-ušabši, Zuhru/Šēru-adari (Arabian-Aramaic with an Aramaic paternal name "Śahr has helped"), Šamaš-iddina/Bēl-uballiṭ, Niqūdu/Bēl-nāṣir(?) and Bulluṭâ/Kinūnāyu. The scribe is Nidinti-Bēl// Bēl-eṭēru. **6. Ga-bi-˹ri˾(?)-a-'-ma**(? text Ú) s. of Bēl-ittannu [gs.? of] Aq-qa-bi-ma sold bovids for 11 kors of barley, capital, to his father, Bēl-ittannu, via his father's slave, Ia-a-˹ṭi˺/ṭu-hi-a s. of Šá-lam-ma-re-e. Bēl-ittannu himself was a servant of Tattannu/Napsannu (the archive holder). Another son of Bēl-ittannu, **7. [Ia]-ha-bi-il** (DINGIR^{meš}), is also mentioned in the operative section; Hu-ia

[53] See Jursa 2007.
[54] Cf. CAD S, 209b; Jursa 1999, 152–153 ad 1–3.

(or Baqiya), 2.III.11+ [x] Art. I (sometime between 454 and 445 BCE, HSM 1931.1.1 = 8404).

One sheep was given to **8. Ni-ir-ia-a-ma** on 3.XI according to an administrative document (BM 103632, place not mentioned). He is recorded in the first section (out of seven) of the document. Each section (except for d) records the distribution of one sheep (restored in f), but only a and f mention a recipient (the other one is Ina-šār-Bēl-abluṭ; for the name cf. Ina-šāri-abluṭ, VS 5, 13, 1). In three sections it is indicated that the sheep is for a trip (*ana alāki ša* GN: Kish in b, g; Babylon in c). In c, g it is also stated that the sheep is for the house(hold) (É = *bītu*, which may alternatively denote "temple," but this seems less likely in view of the involvement of the foreigner Ni-ir-ia-a-ma, and the date does not match that of the annual procession of Nanâ Ehuršaba from Borsippa to Babylon and Kish on 28–29.XI. The same statement is found also in e. The sections are from the following dates (a–c and e–g are clearly successive): b, 26.XI; c, 5.XIIb; d, IX and XIIa; e, 1.IX; f, IX; g, 8.XI. Only section e indicates a year, viz. 1.IX.27, but the ruler is not mentioned. 27 Nbk. II had no intercalary Addar, whereas 27 Dar. I did, in which case the cautious attempt of Jursa to assign the document to either the Itti-Šamaš-balāṭu archive from Larsa (17 Nbk. II–2 Camb.) or to that of Ea-qarrād-ilī from Dilbat (25 Nbk. II–11 Nab) would be unlikely.[55] However, since not all the dates are successive, Jursa's suggestion is not impossible seeing that both the preceding and the following years of Nbk. II (26 and 28) do have an intercalary Addar.

Three individuals are recorded in the Murašû archive:

9. ˹**x-né-e** s. of ˹Za-bad-du-˺ia˺-a-ma, fifth witness (out of eight), Nippur, 3.IV.421/0 BCE. He is mentioned with another Judean (Man-nu-tan-na-ia-a-ma s. of Ú-še-eh, second w.). The other witnesses belong to Murašû's entourage (PBS 2/1, 60). **10. Mi-na-ah-hi-im** (BE 10, 127, 5, 8: M[i-na]-, 10: -n[a-ah]-, u.e.: m[i-na-a]h-, with a bronze ring) and **11. Ha-na-an-na** (with a fingernail mark), bailiffs (managers, ^{lú}*paq-du-ú-tú*)[56] of Lā-abâši, are recorded in a deed concerning fields of the royal *gardu*-workmen in Bīt-Murašû and Bīt-Hanana harbatu on 4.IX.7 Dar. II = 417/6 BCE.[57]

It is doubtful whether *I-zi-ri-'* s. of Bi-'-ú-e was a Judean. His name is of a Canaanite-Hebrew type (*qitl* of '-Z-R "to help" with anaptyxis and the hypocoristic suffix -*ī*). He acted as the second (= last but one) witness (the first one has an Akkadian filiation with a surname and the third an Akkadian filiation, both with a paternal name including the theophoric element Ninurta, which is typical of Nippur), 13.XII.0 Dar. I = 522/1 BCE. It is one of the earliest Nippurean

[55] Jursa 2010, 133–134, n. 804.

[56] Cf. Stolper 1985, 22 with n. 91.

[57] Cf. PBS 2/1, 160 from the preceding or the following year; see Cardascia 1951, 89–90; Stolper 1985, 146–147, n. 59.

documents from the reign of Dar. I, a promissory note for dates and wool. It is the ninth document of the "Carian" archive whose holder is A-ra-al-tu$_4$/Ha-am-tu-'.[58] He is homonymous, probably identical, with Bi-'-ú-e (a very rare name), f. of ˹x-[D]Ù (apparently a torso of an Akkadian name), in an undated NB/LB administrative list.[59] *Bi-'-ú-e* looks non-Semitic, perhaps Carian in view of the context. It may be surmised that he assimilated into the Semitic milieu: he gave his sons Semitic names. *I-zi-ri-'* may be either Phoenician, south Transjordanian, or Judean.

There is no proof that the group Gazrāyu (^{lú}*Ga-az-ra-A+A*) from about the time of Cambyses,[60] which was settled in Bīr-ili near Sippar,[61] was of Israelite-Judean extraction,[62] but if this is indeed the gentilic of Gezer in Israel (Northern Kingdom) near the Philistian border, then the latter had an Israelite-Judean component among its population in view of the Yahwistic names from there in the late Assyrian period.[63] It is worth mentioning in this context that the settlements of ^{uru}*Pal-(la-)-áš-ti* (Philistia) and ^{garim}*Ha-za-ti* (Gaza) are recorded in northern Babylonia before the conquest of Transeuphratene by Nebuchadnezzar II.[64] Therefore, these settlements were colonies of Philistine deportees from the Neo-Assyrian period. At least some of the settlements named after West Semitic groups in the Nippur region during the Achaemenid period may date back to the NA period.

^{lú}*Ia-a-hu-da-nu* (*na-sa-ka šá* ~, VS 6, 128, 7),[65] which is recorded in a witnessed and sealed memorandum about workmen or soldiers (cf. NRV 622 ad 717; Borsippa, 17.VIII.12 Dar. I = 510/09 BCE), was understood by San Nicolò and Ungnad as an ethnic group.[66] This is unlikely as *-ān* is not a gentilic suffix.[67] ^{lú}*Ia-a-hu-da-nu* cannot render a gentilic "Judean" as the latter is NB/LB *Yahūdāyu*, like numerous other NB/LB and NA gentilics ending with *-āyu*. ^{lú}*Ia-a-hu-da-nu* is very probably LB plural (< *-āni*) based on the Aramaic *qatūl* passive participle of *yḥd*, "to single out" (extant in Jewish Aramaic), which is rendered as *ia-a-hu-du* in LB, referring to a palm tree. The identification of this singular form was made by Müller-Kessler and Kessler,[68] who suggested the meaning "chosen, distinguished (palm tree)," but do not mention ^{lú}*Ia-a-hu-da-*

[58] Durand 1982, 602, 12, not listed in Jursa 2005, 112:7.10.2.3; cf. Zadok 2005, 81.
[59] Durand 1982, 508:r. 6; note Amurru-šarra-uṣur without title, r. 13.
[60] See Jursa 1998, 25–26, 108.
[61] See MacGinnis 2000, 333; Jursa 2010, 329.
[62] See Zadok in Na'aman and Zadok 2000, 177, n. 7.
[63] See Zadok 1985 and Becking 1992, 114–118, as well as '°bnr/*[P]q°dyw*, Gezer, 6th–4th cent. BCE, Avigad 1950, 43–46 = Davies et al. 1991, 141:100.163, and perhaps *'by[h*?…] and *P°n°y°h*°[…] in the Gezer Calendar, 10th century BCE, Davies et al. 1991, 85:10.001).
[64] See Zadok and Zadok 2003.
[65] See Waerzeggers 2006, 8.
[66] [San Nicolò and] Ungnad 1937, 67, s. v. *ia̯hûdû*; followed by Joannès 2009, 225 with n. 34.
[67] Cf. Zadok 1979, 44–45 with n. 109.
[68] Müller-Kessler and Kessler 2008.

nu. In my opinion, the denotation "chosen, distinguished" for ^{lú}*Ia-a-hu-da-nu* would suit a military elite unit. By the way, for a single palm tree (cf. NB/LB GIŠIMMAR$^{<meš>}$ *ēdūtu* for several solitary palm trees)[69] Babylonian Jewish Aramaic has *dyql' yḥyd'h*, i. e., a *qatīl*, not a *qatūl* formation of the same root, but this does not rule out the possibility that earlier Aramaic used a *qatūl* formation also in this context.

An Aramaic Yahwistic name is recorded as early as 583/2 BCE, i. e., just fourteen years after the first deportation, if the reading of II/9 is correct.[70] Márquez-Rowe suggests reading ^{d}Ia-hu-ú-MU as ~-*natan* rather than -*iddina*.[71] It follows that the Babylonian scribe, who spoke Aramaic as well, recognized the verb, which is common to Hebrew and Aramaic.

A coeval analogy to the return of Judeans from Babylonia to their homeland is the reimmigration of descendants of deportees from Nerab from Babylonia to their original abode.[72] For the natural desire of refugees to return, compare the case of the Nippureans in Elam:[73] Akkadītu was a (free) citizen of Nippur. Both her biological and adoptive parents were members of a colony of Nippurean expatriates in Elam. The biological parents let her be adopted with the intention that she would travel back with her adoptive parents to Nippur, where she would eventually be married. Here there is no evidence for the return of a group, but – as we happen to know – members of the Nippurean community encouraged the repatriation of individuals.

Appendix: Sample list of people with *šarru*-names belonging to the palatial sector

The witnesses' list of 1913.14.1673 from ^{uru}ṣur-ru (Tyre),[74] 2[+x].-.41 Nbk. II = 564/3 BCE, has:

1st w.: Šamaš-šarra-uṣur governor of Dūr-Šarrukki, followed by Nergal-šarra-uṣur / Nādin-ahi and Ardīya / Marduk-erība, both royal appointees (sg. *paqid šarri*, exceptionally with paternal names).[75]

13. $^{[l]ú}$mu-kin-ni ^{md}UTU!-LUGAL-ÙRU ^{lú}NAM
14. šá ^{uru}BÀD-LUGAL-DU ^{md}U.GUR-LUGAL-ÙRU
15. A (text DIŠ)-šú šá ^{m}SUM^{na}-ŠEŠ ^{lú}PA LUGAL
16. ^{m}ÌR-ia A-šú šá ^{md}AMAR.UTU-SU ^{lú}PA LUGAL

[69] As established by Jursa (1995, 38).

[70] See Zadok 2002, 14, 28. An additional Aramaic Yahwistic name, *Šá-hi-du-^{d}ia-hu-ú*, is discussed by Abraham 2007, 218.

[71] Márquez-Rowe 2003, 211a.

[72] See Eph'al 1978, 85–86.

[73] See Wunsch 2010, 571–572, ad Weisberg 2003, 1.

[74] For the NB Tyrian dossier see Kleber 2008, 141–153.

[75] Neither is listed in Kümmel 1979.

17. [l]ú'UMBISAG md+AG-DÙ-ŠEŠ A-šú šá mib-na-a
18. [A] ⌞mé⌟-kur-za-kir.[76]
Nabû-aha-iddina/Esagil-šarra-uṣur, creditor, [uru x]ʿ⌞xmeš 4.XII.[x+?]⌞2ʾ (or 12) Dar. I (1913.14.1526, 14), (d ʿ⌞x+DIŠ-ŠEŠmeš-MU)/~, debtor in 1913.14.1557, 3 from Ālu šá šá-ka-ia, 6.V?.11 Dar. I = 511/0 BCE;
Adad-šarra-uṣur (dIŠKUR-LUGAL-ÙRU)/Adad-rēmanni(? dIŠKUR-re(?)-man(?)-ni), debtor, Bīt-ṣēni, Gallābu archive, 15.vii.525/4 BCE (BM 85578);
Bēl-ēṭir/ Nabû-šarra-uṣur (d+AG-LUGAL-ÙRU) alphabet scribe of the vizier (16lúsip-pi-ri šá lúsukal-la), second w., Borsippa, 6.V.24 Dar. I = 498/7 BCE (HSM 1895.1.12, 15–16);
Madanu-šarra-uṣur (dDI.KU$_5$-LUGAL-ú-ṣu-ur), palace scribe, first w., [Borsippa], -.-.0 late-Chaldean (prob. Nab.) (HSM 1895.1.1, 35);
Marduk-šarra-uṣur (dAMAR.UTU-LUGAL-ÙRU) / Nabû-šuma-ukīn (d+AG-MU-DU, less likely ŠEŠ) // 21Iddina- papsukkal, scribe, Borsippa, archive of Išparu, 8.V.2 AmM = 560/59 BCE (BM 96149, 20–21);
Marduk-šarra-uṣur [/ DN]-šuma-ukīn [// 17N]ūr(?)-dpapsukkal, first w., Bīt-Inatēšî-eṭir on Nār-Barsip, archive of Ša-haṭṭu-ēreš (Nergal-uballiṭ/Nādinu), 16.iv.1 AmM = 561/0 BCE (BM 28933, 16–17);
Nabû-šarra-bulliṭ, courtier (lúSAG LUGAL), fourth w., Borsippa, 15.VI.8 Dar. I = 514/3 BCE (BM 82653, 15), probably identical with Nabû-šarra-bulliṭ, courtier, fifth w., Borsippa, 15.V.4 [early Achaemenid] (BM 82787, 14);
Nabû-šarra-ittannu / Šamaš-aha-iddina // Šu?-un-qu, third w., Borsippa, 29.VI.11 Dar. I = 511/0 BCE (BM 26542, 16);
Nabû-šarra-uṣur, courtier, ninth w., Babylon, Bēliya'u archive, 29.VI.15 Dar. I = 507/6 BCE (BM 96102, 28); perhaps =
Nabû-šarra-uṣur/mu-ʿ⌞x // 16Mudammiq-Nabû, first w., Borsippa, Bēliya'u archive, 10?[+ x].V.- Dar. I (BM 28954, 15–16);
[…]/Nabû-šarra-uṣur, neighbor, Ištar Gate quarter, Borsippa, Bēliya'u archive, x]+⌞20.X.⌞2' [+x] Camb. = sometime between 528 and 522 BCE (BM 27785, 7);
Nidintu / 10Nabû-šarra-iddina, second w., Borsippa, Bēliya'u archive, 21.xii.3 Dar. I = 519/8 BCE (BM 96257, 9–10);
Nabû-mušē[tiq-ūdē]/14Nabû-šarru-līšir (d+AG-LUGAL-SI.SÁ) [// …], scribe, Borsippa, archive of Pahāru (Nabû-mukīn-apli/Šamaš-iddina), time of Nbk. II (BM 87239, 13–14);
Nabû-šarra-uṣur (d+AG-LUGAL-P[AP]), smith, deliverer, no place, archive of Rēmūt-Bēl, 15.XIIb.35 Dar. I = 487/6 BCE (BM 103598, 2);
Nabû-šarra-uṣur, courtier, lúEN pi-qit-tú é-zi-da, second w., Borsippa, (Ea-)ilūtabani archive, –.VIb.10 Nbn = 546/5 BCE (IAC 267, 11);

[76] Kümmel 1979, 119, 130, 144: 23 Nbk. II–0 Nerigl. = 582–559 BCE; ṭupšar Eanna on 8.VI.41 Nbk. II.

Zababa-šarra-uṣur/ [24]Nabû-gāmil // Baltanītu, seventh w., Borsippa, Bēliya'u archive, 30.VI.11 Dar. I = 511/0 BCE (BM 28917, 23–24).

Dagan-šarra-uṣur (OECT 10, 150, 2).[77] Many examples are listed by Kleber[78] and MacGinnis.[79]

Beaulieu, citing Greenfield's remark that "it is difficult to find in the Neo-Babylonian and later periods the bearer of an Aramaic name who fills an important position,"[80] regards Tamiš-idrī, the inspector of the Ebabbar temple in Larsa, as a "very unusual occurrence of a western Semite at the helm of a traditional Babylonian temple."[81] This case is not exceptional as the inspector is a royal official, who did not participate in the cult. Therefore he need not be a Babylonian urbanite.

Bibliography

Abdul Jabbār, M. 1973. "Agricultural and Irrigation Labourers in Social and Economic Life of 'Iraq during the Umayyad and 'Abbāsid Caliphates." *Islamic Culture* (Hyderabad) 47:19–31. Reprinted as chapter 10 of *Manufacturing and Labour*, edited by M. G. Morony, The Formation of the Classical Islamic World 12, 235–251. Aldershot, Hant, England: Ashgate, 2003.

Abraham, K. 2005–2006. "West Semitic and Judean Brides in Cuneiform Sources from the Sixth Century BCE: New Evidence from a Marriage Contract from Āl-Yahudu." *Archiv für Orientforschung* 51:198–219.

–. 2007. "An Inheritance Division among Judeans in Babylonia from the Early Persian Period." In *New Seals and Inscriptions: Hebrew, Idumean, and Cuneiform*, edited by M. Lubetski, Hebrew Bible Monographs 8, 206–221. Sheffield: Sheffield Phoenix Press.

Astour, M. 1995. "Remarks and Suggestions Concerning the Map of the Neo-Assyrian Empire." Unpublished manuscript quoted by Bagg 2007, 189–191.

Avigad, N. 1950. "Epigraphical Gleanings from Gezer." *Palestine Exploration Quarterly* 82:43–46.

–. 1965. "Seals of Exiles." *Israel Exploration Journal* 15:228–230.

Avishur, Y., and M. Heltzer. 2007. "Jehoiachin, King of Judah in Light of Biblical and Extra- Biblical Sources: His Exile and Release according to Events in the Neo-Babylonian Kingdom and the Babylonian Diaspora." *Transeuphratène* 34:17–36.

[77] Names with Dagan are rare in NB/LB (perhaps a Neo-Assyrian import); cf. Re-mut-[d]Dagan, scribe (BE 8, 98, 19), and [d]Da-gan-ru-ṣu-ú-a f. of Nādinu and Iqīšâ, both from Nippur. The latter is recorded as late as 6.X.12 Xer = 474/3 BCE (BE 8, 120, 17).

[78] Kleber 2008, 30–31 (the inspectors of Eanna), 40–44 (the courtiers in Uruk).

[79] MacGinnis 1994, 207–216: royal officials attached to the temple (*qīpu, sepīru, ša-rēš šarri, bēl piqitti* and others) – Bēl-šarra-bulliṭ, Madānu-šarra-uṣur, and Nabû-šarra-uṣur.

[80] Greenfield 1982, 471–472.

[81] Beaulieu 2006, 203.

Bagg, A. M. 2007. *Die Orts- und Gewässernamen der neuassyrischen Zeit. 1: Die Levante*. Répertoire géographique des textes cunéiformes 7.1. Wiesbaden: Reichert.

Beaulieu, P.-A. 1990. "Cuts of Meat for King Nebuchadnezzar." *Nouvelles Assyriologiques Brèves et Utilitaires* 1990/93:71–72.

–. 2006. "Official and Vernacular Languages: The Shifting Sands of Imperial and Cultural Identities in First-Millennium B. C. Mesopotamia." In *Margins of Writing, Origins of Culture*, edited by S. L. Sanders, Oriental Institute Seminars 2, 187–216. Chicago: The Oriental Institute of the University of Chicago.

Becking, B. 1992. *The Fall of Samaria*. Studies in the History of the Ancient Near East 2. Leiden: Brill.

Bongenaar, A. C. V. M. 2000. "Private Archives in Neo-Babylonian Sippar and Their Institutional Connections." In *Interdependency of Institutions and Private Entrepreneurs. Proceedings of the Second MOS Symposium (Leiden 1998)*, edited by A. C. V. M. Bongenaar, MOS Studies 2, Publications de l'Institut historique-archéologique néerlandais de Stamboul 87, 73–94. Istanbul: Nederlands Historisch-Archaeologisch Instituut te Istanbul; Leiden: Nederlands Instituut voor het Nabije Oosten.

Cardascia, G. 1951. *Les archives des Murašû, une famille d'hommes d'affaires babyloniens à l'époque perse* (*455–403 av. J.-C.)*. Paris: Imprimerie nationale.

Dandamayev, M. A. 1995. "The Neo-Babylonian *tamkāru*." In *Solving Riddles and Untying Knots: Biblical, Epigraphic, and Semitic Studies in Honor of Jonas C. Greenfield*, edited by Z. Zevit, S. Gitin, and M. Sokoloff, 523–530. Winona Lake, IN: Eisenbrauns.

Da Riva, R. 2001. "Sippar in the Reign of Sîn-šum-līšir (626 B. C.)." *Altorientalische Forschungen* 28:40–64.

Davies, G. I., M. N. A. Bockmuehl, D. R. de Lacey, A. J. Poulter, and J. K. Aitken. 1991. *Ancient Hebrew Inscriptions: Corpus and Concordance*, vol. 1. Cambridge: Cambridge University Press.

Durand, J.-M. 1982. *Documents cunéiformes de la IV^e Section de l'Ecole Pratique des Hautes Etudes 1: Catalogue et copies cunéiformes*. Geneva: Droz.

Eph'al, I. 1978. "The Western Minorities in Babylonia in the 6th–5th Centuries B. C.: Maintenance and Cohesion." *Orientalia*, n.s., 47:74–90.

Frahm, E., and M. Jursa. 2011. *Neo-Babylonian Letters and Contracts from the Eanna Archive*. YOS 21. New Haven: Yale University Press.

Grabbe, L. L. 1992. *Judaism from Cyrus to Hadrian*. Minneapolis: Fortress.

Grayson, A. K. 1975. *Assyrian and Babylonian Chronicles*. TCS 5. Locust Valley, NY: J. J. Augustin. Reprint, Winona Lake, IN: Eisenbrauns, 2000.

Greenfield, J. C. 1982. "Babylonian-Aramaic Relationship." In *Mesopotamien und seine Nachbarn: Politische und kulturelle Wechselbeziehungen im alten Vorderasien vom 4. bis 1. Jahrtausend v. Chr. XXV. Rencontre Assyriologique Internationale, Berlin, 3. bis 7. Juli 1978*, edited by H. Kühne, H. Nissen, and J. Renger, 471–482. Berlin: D. Reimer.

Joannès, F. 2009. "Diversité ethnique et culturelle en Babylonie récente." In *Organisation des pouvoirs et contacts culturels dans les pays de l'empire achéménide. Actes du colloque organisé au Collège de France par la "Chaire d'histoire et civilisation du monde achéménide et de l'empire d'Alexandre" et le "Réseau international d'études et de recherches achéménides" (GDR 2538 CNRS), 9–10 novembre 2007*, edited by P. Briant and M. Chauveau, Persika 14, 217–235. Paris: Editions de Boccard.

Joannès, F., and A. Lemaire. 1999. "Trois tablettes cunéiformes à onomastique ouest-sémitique (collection Sh. Mousaïeff)." *Transeuphratène* 17:17–34.

Jursa, M. 1995. *Die Landwirtschaft in Sippar in neubabylonischer Zeit*. Archiv für Orientforschung Beiheft 25. Vienna: Institut für Orientalistik der Universität Wien.
–. 1998. *Der Tempelzehnt in Babylonien vom siebenten bis zum dritten Jahrhundert v. Chr*. Alter Orient und Altes Testament 254. Münster: Ugarit Verlag.
–. 1999. *Das Archiv des Bēl-rēmanni*. Publications de l'Institut historique-archéologique néerlandais de Stamboul 86. Istanbul: Nederlands Historisch-Archaeologisch Instituut te Istanbul; Leiden: Nederlands Instituut voor het Nabije Oosten.
–. 2005. *Neo-Babylonian Legal and Administrative Documents: Typology, Contents and Archives*. Guides to the Mesopotamian Textual Record 1. Münster: Ugarit-Verlag.
–. 2006. Review of Weisberg 2003. *Journal of the American Oriental Society* 126:452–458.
–. 2007. "Eine Familie von Königskaufleuten judäischer Herkunft." *Nouvelles Assyriologiques Brèves et Utilitaires* 2007/22:23.
–. 2009. "Die Kralle des Meeres und andere Aromata." In *Philologisches und Historisches zwischen Anatolien und Soqotra: Analecta Semitica in Memoriam Alexander Sima*, edited by W. Arnold, M. Jursa, W. W. Müller, and S. Procházka, 147–180. Wiesbaden: Harrassowitz.
–. 2010. *Aspects of the Economic History of Babylonia in the First Millennium BC: Economic Geography, Economic Mentalities, Agriculture, the Use of Money and the Problem of Economic Growth*. Alter Orient und Altes Testament 377. Münster: Ugarit-Verlag.
Jwaide, A. 1984. "Aspects of Land Tenure and Social Change in Lower Iraq during Late Ottoman Times." In *Land Tenure and Social Transformation in the Middle East*, edited by T. Khalidi, 333–356. Beirut: American University of Beirut.
Kessler, K. 1975. "Die Anzahl der assyrischen Provinzen des Jahres 738 v. Chr. in Nordsyrien." *Die Welt des Orients* 8:49–63.
Klamroth, E. 1912. *Die jüdischen Exulanten in Babylonien*. Leipzig: J. C. Hinrichs.
Kleber, K. 2008. *Tempel und Palast: Die Beziehungen zwischen dem König und dem Eanna-Tempel im spätbabylonischen Uruk*. Alter Orient und Altes Testament 358. Münster: Ugarit-Verlag.
Kümmel, H.-M. 1979. *Familie, Beruf und Amt im spätbabylonischen Uruk*. Abhandlungen der Deutschen Orient-Gesellschaft 20. Berlin: Mann.
Lipiński, E. 1977. "Western Semites in Persepolis." *Acta Antiqua Academiae Scientiarum Hungaricae* 25:101–112.
–. 2000. *The Arameans: Their Ancient History, Culture, Religion.* Orientalia Lovaniensia Analecta 100. Leuven: Peeters.
MacGinnis, J. 1994. "The Royal Establishment at Sippar in the 6th Century BC." *Zeitschrift für Assyriologie* 84:198–219.
–. 2000. Review of Jursa 1998. *Orientalia*, n.s., 69:332–336.
Márquez-Rowe , I. 2003. Review of Zadok 2002. *Sefarad* 63:209–212.
Müller-Kessler, C., and K. Kessler. 2008. "Aramäisches *iāḫudu* in den hellenistischen Urkunden SpTU 5, 308 und 309." *Nouvelles Assyriologiques Brèves et Utilitaires* 2008/28:38–39.
Na'aman, N., and R. Zadok, R. 2000. "Assyrian Deportations to the Province of Samerina in the Light of Two Cuneiform Tablets from Tel Hadid." *Tel Aviv* 27:159–188.
Oded, B. 2004. " 'Yet I Have Been to Them *lmqdš mʿṭ* in the Countries Where They Have Gone' (Ezekiel 11:16)." In *Sefer Moshe: The Moshe Weinfeld Jubilee Volume*, edited by C. Cohen, A. Hurvitz, and S. M. Paul, 103–114. Winona Lake, IN: Eisenbrauns.

–. 2010. *The Early History of the Babylonian Exile (8th–6th Centuries B. C. E.)* [Hebrew]. Haifa: Pardes.

Oelsner, J. 2002. "Cuneiform Archives in Hellenistic Babylonia: Aspects of Content and Form." In *Ancient Archives and Archival Traditions: Concepts of Record-Keeping in the Ancient World*, edited by M. Brosius, 284–301. Oxford: Oxford University Press.

Oelsner, J., B. Wells, and C. Wunsch. 2003. "Mesopotamia: Neo-Babylonian Period." In *A History of Ancient Near Eastern Law*, vol. 2, edited by R. Westbrook, G. Beckman, R. Jasnow, B. Levine, and M. Roth, Handbook of Oriental Studies 1/72/2, 911–973. Leiden, Brill.

Parpola, S. 1987. *The Correspondence of Sargon II, Part I*. State Archives of Assyria 1/1. Helsinki: Helsinki Universtiy Press.

Parpola, S., and M. Porter, eds. 2001. *The Helsinki Atlas of the Near East in the Neo-Assyrian Period*. Helsinki: Neo-Assyrian Text Corpus Project.

Pearce, L. E. 2011. "'Judean': A Special Status in Neo-Babylonian and Achaemenid Babylonia?" In *Judah and Judeans in the Achaemenid Period: Negotiating Identity in an International Context*, edited by O. Lipschits, G. N. Knoppers, and M. Oeming, 267–277. Winona Lake, IN: Eisenbrauns.

–. Forthcoming. "Identifying Judeans and Judean Identification in the Mesopotamian Sources." In *Exile and Return: The Babylonian Context* (proceedings of a workshop held at University College London, November 10–12, 2011), edited by C. Waerzeggers and J. Stökl.

Rawlinson, H. C. 1865. "Bilingual Readings – Cuneiform and Phoenician. Notes on Some Tablets in the British Museum Containing Bilingual Legends (Assyrian and Phoenician)." *Journal of the Royal Asiatic Society*, n.s., 1:187–246.

Saggs, H. W. F. 2001. *The Nimrud Letters, 1952*. Cuneiform Texts from Nimrud 5. London: British School of Archeology in Iraq.

[San Nicolò, M., and] A. Ungnad. 1937. *Neubabylonische Rechts- und Verwaltungsurkunden, Beiheft 1: Glossar*. Leipzig: J. C. Hinrichs.

Spar, I., and E. von Dassow. 2000. *Cuneiform Texts in the Metropolitan Museum of Art III: Private Archive Texts from the First Millennium B. C.* New York: The Metropolitan Museum of Art.

Stolper, M. W. 1985. *Entrepreneurs and Empire: The Murašû Archive, the Murašû Firm, and Persian Rule in Babylonia*. Publications de l'Institut historique-archéologique néerlandais de Stamboul 54. Leiden: Nederlands Historisch-Archaeologisch Instituut te Istanbul.

–. 1999. "Achaemenid Legal Texts from the Kasr: Interim Observations." In *Babylon: Focus mesopotamischer Geschichte, Wiege früher Gelehrsamkeit, Mythos in der Moderne. 2. Internationales Colloquium der Deutschen Orient-Gesellschaft 24.–26. März 1998 in Berlin*, edited by J. Renger, 365–375. Saarbrücken: SDV Saarbrücker Druckerei und Verlag.

Tallqvist, K. L. 1914. *Assyrian Personal Names*. Acta Societas Scientiarum Fennicae 43/1. Helsinki.

Tavernier, J. 2002. "Non-Elamite Individuals in Achaemenid Persepolis." *Akkadica* 123:145–152.

Waerzeggers, C. 2006. "The Carians of Borsippa." *Iraq* 68:1–22.

–. 2010a. *The Ezida Temple of Borsippa: Priesthood, Cult, Archives*. Achaemenid History 15. Leiden: Nederlands Instituut voor het Nabije Oosten.

–. 2010b. "Babylonians in Susa. The Travels of Babylonian Businessmen to Susa Reconsidered." In *Der Achämenidenhof / The Achaemenid Court: Akten des 2. Internationalen Kolloquiums zum Thema "Vorderasien im Spannungsfeld klassischer und altorientalischer Überlieferungen." Landgut Castelen bei Basel, 23–25 Mai 2007*, edited by B. Jacobs and R. Rollinger, Classica et orientalia 2, 777–813. Wiesbaden: Harrassowitz.

Weidner, E. F. 1939. "Jojachin, König von Juda, in babylonischen Keilschrifttexten." In *Mélanges syriens offerts à Monsieur René Dussaud par ses amis et élèves*, edited by M. Dunand, 923–935. Paris: P. Geuthner.

Weisberg, D. B. 2003. *Neo-Babylonian Texts in the Oriental Institute Collection*. Oriental Institute Publications 122. Chicago: Oriental Institute of the University of Chicago; Oxford: Oxbow.

Wunsch, C. 2010. Review of Weisberg 2003. *Orientalia* n.s. 79:570–574.

Zadok, R. 1978. *On West Semites in Babylonia during the Chaldean and Achaemenian Periods: An Onomastic Study*. Rev. ed. Tel Aviv: Tel Aviv University.

–. 1979. *The Jews in Babylonia during the Chaldean and Achaemenian Periods according to the Babylonian Sources*. Studies in the History of the Jewish People and the Land of Israel Monograph Series 3. Haifa: University of Haifa.

–. 1985. "Samarian Notes." *Bibliotheca Orientalis* 42:567–572.

–. 1988. *The Pre-Hellenistic Israelite Anthroponymy and Prosopography*. Orientalia Lovaniensia Analecta 28. Leuven: Peeters.

–. 2002. *The Earliest Diaspora: Israelites and Judeans in Pre-Hellenistic Mesopotamia*. Publications of the Diaspora Research Institute 151. Tel Aviv: The Diaspora Research Institute.

–. 2005. "On Anatolians, Greeks and Egyptians in 'Chaldean' and Achaemenid Babylonia." *Tel Aviv* 32:76–106.

Zadok, R., and T. Zadok. 2003. "New / Late-Babylonian Geography and Documentation." *Nouvelles Assyriologiques Brèves et Utilitaires* 2003/35:34–40.

Zawadzki, S. 1993. "Political Situation in Babylonia during Amel-Marduk's Reign." *Šulmu* 4:309–317.

Caroline Waerzeggers

Locating Contact in the Babylonian Exile: Some Reflections on Tracing Judean-Babylonian Encounters in Cuneiform Texts*

Introduction: The Social Location of Exiled Peoples in Tanzania and Babylonia

Liisa Malkki's book *Purity and Exile: Violence, Memory, and National Cosmology among Hutu Refugees in Tanzania* (1995) reminds us of the importance of social context in shaping collective identity in exile. The author carried out fieldwork in the mid-1980s in two communities of Hutu refugees who had fled the 1972 genocide in Burundi to find asylum in Tanzania. One community was quartered in a refugee camp, the other in a town. Within a few years of their arrival, the two communities had developed entirely different strategies of self-preservation. The rural community had formed an elaborate "mythico-history" with which to make sense of their plight. This narrative consisted of a series of moralizing stories about their national past, from Burundi's mythical foundation and golden age of innocence, to the arrival of the Tutsi and the Belgians, and the final cataclysm of genocide and exile.[1] Life in the refugee camp was seen as a natural outcome of this historical process and as a necessary phase of purification and trial that would eventually lead to repatriation. Although the camp refugees were well aware of the existence of other Hutu communities (in Tanzania and back home in Burundi) they nonetheless considered themselves the "true" Hutu on account of their purity gained through the experience of exile. The town refugees did not develop such elaborate forms of collective identity. They lived their lives in a heterogenous, socially complex world, where they mixed with the local population, rented private accommodation, and sought employment. They did not share the "mythico-history" of their fellowmen in the rural refugee camp; on

* This article was written and researched in the framework of ERC Starting Grant "By the Rivers of Babylon: New Perspectives on Second Temple Judaism from Cuneiform Texts." A version of this paper was presented at the workshop Exile and Return: The Babylonian Context (London, November 10–12, 2011).

[1] ABC = A. K. Grayson, Assyrian and Babylonian Chronicles, Locust Valley 1975. Malkki 1995, 58–59.

the contrary, group identities – either with the camp Hutu or among themselves – were avoided and individuals sought refuge in "sheltering anonymity" instead.[2]

Diversity of social location is a feature that characterized the experience of Judean exiles in sixth- and fifth-century BCE Babylonia. The Weidner texts locate king Jehoiachin and his retinue at the royal palace in Babylon.[3] The Āl-Yahūdu texts situate a Judean community in a colony in the countryside.[4] The Sippar texts mention Judean individuals in a market town.[5] The Murašû texts know of a Judean community in close proximity to other ethnic minorities.[6] A handful of texts from Uruk, Nippur, Marad, Isin, and other places furthermore suggest that some Judean individuals lived in small units among Babylonians in a variety of urban contexts. Moreover, while some had a settled existence, others traded between Mesopotamia and the Levant and might have been in a position to maintain regular contact with the homeland. These various social locations and conditions necessarily imply different dynamics. Groups settled in rural communities may have experienced more social cohesion and cultural continuity than individuals making their living in a cosmopolitan environment.[7] Malkki's work offers an intriguing comparative study: in the closed world of the refugee camp, strict social boundaries were in place that protected pure "Hutu-ness" from a perceived threat. In the open world of the city, such boundaries were deemed undesirable and individuals sought to integrate rather than distance themselves from their neighbors.

The question of how the Judean deportees experienced life in exile has most often received answers in the economic, geographic, legal, cultural, and administrative spheres: what was their standard of living, where did they live, were they enslaved, did they adapt to local culture and religion, and how did they organize their communities?[8] Social interactions with Babylonians have not yet been studied in any detail, yet *contact* plays an important role in many evaluations of (post-)exilic Judean culture and identity. I will quote just one recent example, by Mario Liverani:

> [Ancient Near Eastern historiography] provides precise parallels [to the books of Kings], due to direct access or contact, and not simply to similar developments or patterns or literary procedures … [T]he "Babylonian Chronicle" series … influenced the structure of the "Chronicle" that provided the basic narrative plot for the parallel treatment of the divided kingdoms [in Kings].[9]

---

[2] Malkki 1995, 155–156.
[3] Weidner 1939.
[4] Pearce 2006.
[5] Zadok 2002, 28–36.
[6] Coogan 1974, 1976a; Stolper 1976.
[7] Eph'al 1978.
[8] Eph'al 1983; Dandamaev 1984, 563–564; Oded 1995, 2000.
[9] Liverani 2010, 184.

How did Judean deportees borrow models and literary patterns from cuneiform texts? Any process of literary influence presupposes social contact, yet no attempt has been made to map the interactions between Judeans and Babylonians. It is not sufficient to assume that Judean literati heard or read Babylonian chronicles in the exile; we need to know the place of the chronicles in the sociocultural landscape of Babylonia, and we need to know whether Judeans were able to access these places, the texts, or their owners. In short, we need to have a much more detailed understanding of the routes of contact in the exile, and, in this particular example, of the diffusion of historiography in Babylonian society.

In this article I will use the example of the chronicles to explore certain methodological issues surrounding the question of Judean-Babylonian contact in the exile. My aim is not to prove or disprove M. Liverani's statement, but to illustrate the problems and possibilities of mapping the routes of transmission that are implied by such a statement. In other words, instead of focusing on parallels in style or genre (the textual level), I will focus on instances of contact (the social dimension).

My approach in this article is conservative in the sense that I analyze interactions that are actually documented in the published cuneiform record and in the sense that I refrain from formulating hypotheses that lack evidentiary basis. For instance, while it is possible that some Judean children received a Babylonian education, as yet the training of non-Babylonian children in the cuneiform script is unrecorded, at least at an advanced level of learning necessary to master literary genres. Whatever was going on at places beyond the grasp of the cuneiform texts will be ignored for the purpose of this article. By focusing on documented, captured interactions, it is hoped that a modest, perhaps sobering, account can be given of the social realities behind the "Encounters by the Rivers of Babylon."

From Person to Text and Archive

Judean participation in Babylonian society can be studied with the help of cuneiform texts written in the sixth and fifth centuries BCE. While some texts explicitly refer to "Judeans,"[10] ethnic origins are mostly established through onomastic analysis.[11] In a number of publications, Ran Zadok has assembled the Hebrew names mentioned in Neo-Babylonian cuneiform texts,[12] supplying us in effect with a ready-made dataset of Judeans living in Babylonia during and shortly after the period of the exile. A digital project based at Tel Aviv University

[10] This is the case in the Weidner texts discussed below, see Weidner 1939; note that I wrongly identified the ^{lú}*ia-a-hu-da-nu* mentioned in VS 6 128 as Judeans (Waerzeggers 2006, 8), cf. Zadok 1979, 44.

[11] Criteria are explained by Zadok 1979, 7–34.

[12] Zadok 1978; 1979; 1984; 1988, 304–12; 2002.

is presently making these materials available online.[13] The project, *Cuneiform Texts Mentioning Israelites, Judeans, and Related Population Groups* (CTIJ), aims to present the full texts in which the attestations occur. This contextualization may be taken one step further by putting the texts back into the ancient archives to which they belong. This process is important for several reasons. Firstly, and most obviously, the archive is likely to provide background information about the persons who participated in a particular Babylonian-Judean encounter. Secondly, and more importantly, the archive provides insight into larger social structures of which the single text is only an incidental witness. It helps to conceive of a cuneiform archive less as an assemblage of texts (the physical remains) than as a mini cross-section of Babylonian society created by the interactions of its archive keepers with their environment (its ancient context). The Judean-Babylonian encounters documented in the texts were part of greater networks that come into view only if we consider the archive, or the social world, that produced the text. Thirdly, an archival approach will raise awareness of the limitations of the Babylonian documentation. The uneven distribution of Judean-Babylonian encounters in the massive Neo-Babylonian text corpus is not incidental but is related to the social background that produced most of the documentation.

Judeans appear in a variety of Babylonian archives, some better known than others. The Āl-Yahūdu and Weidner texts are the most spectacular in terms of density of attestations (AY) and social profile (W), but both groups are poorly published at the moment.[14] The Murašû archive from fifth-century BCE Nippur, on the other hand, was the first to yield extensive evidence of Judeans in Babylonia, and the material has received considerable attention.[15] But whereas the political, social, and economic background of the "Murašû firm" is now well understood, thanks to a century of scholarship on the archive,[16] much remains to be said about the social world of the circa one hundred Judeans attested in these texts. Most studies have focused on name-giving patterns as a source of religious sentiment, but there is of course much more to be gleaned from this material. There is, for instance, abundant evidence of Judean-Babylonian interactions, including marriage, litigation, subleasing, co-ownership, and witnessing. These encounters still need to be properly studied. The same holds true for the economic situation of these people; they are often described as "poor farmers" in the literature,[17] but this seems to be overstated: as tax collectors, canal managers, and rent farmers, at least some of them operated on a high business level and

[13] http://oracc.museum.upenn.edu/ctij (supervisor: Y. Cohen).

[14] See below.

[15] Daiches 1910; Coogan 1973, 1974, 1976a, 1976b; Stolper 1976; and see the studies by Zadok cited in n. 12 above.

[16] Stolper 1985, 2001; Donbaz and Stolper 1997; van Driel 1989a; Jursa 2005, 113–114.

[17] Eph'al 1983, 110; Pearce 2011, 267.

with considerable capital.[18] Another area of interest is the nature of their communities; judging from the degree of clustering in these texts, group cohesion was quite strong, but it remains to be studied how and in which contexts communal ties were forged and activated.[19]

Recently a new source on Judeans in Babylonia surfaced. About two decades ago, uncontrolled excavations in Iraq brought to light an archive of around two hundred texts pertaining to a community of Judeans who lived in rural Babylonia in the sixth and early fifth centuries BCE.[20] A significant portion of this archive was drafted in a place called Āl-Yahūdu, "Judah-town," a feature attracting the immediate attention of collectors and historians alike. Only a handful of texts have been properly edited so far,[21] but Laurie Pearce and Cornelia Wunsch have announced two volumes of text editions in the near future.[22] At the present moment, however, very little is known about these texts. Preliminary reports indicate that it is a pluriform archive, centered around several individuals operating in Āl-Yahūdu and other localities in central Babylonia between 572 and 477 BCE. The following texts have been published: a sale of a donkey,[23] a tax receipt,[24] a marriage contract,[25] and an inheritance contract.[26] Seven contracts documenting slave ownership have been discussed without edition.[27] This means that a maximum of only 5 percent of the archive is available for discussion at the present moment. But even this small sample offers some interesting evidence relating to Judean-Babylonian encounters. According to these texts, the Judean community was by no means closed off from Babylonian society, but it did interact selectively with it. For instance, while the marriage contract documents a mixed Judean-Babylonian marriage, the majority of invited witnesses were Judean. Six members of the community witnessed the gift of a slave woman by a Judean father to his daughter, without any outside participation as far as we can tell. Loan and business transactions might have been less subject to social boundaries, but according to Magdalene and Wunsch a lack of trust might explain the insertion of unusually prudent provisions in one of the contracts.[28] Scribes mostly hailed from a Babylonian background, which would indicate that Judeans did not master the cuneiform script even though they used it to record

[18] All text references are presented by Zadok 2002, 36–45.

[19] 40 percent of relevant transactions involved more than one Judean.

[20] Pearce 2006, 2011; Magdalene and Wunsch 2011. Note that the figure of two hundred texts is given by Magdalene and Wunsch (2011, 115); Pearce (2005, 401) has a more conservative estimate of about one hundred texts. It is not clear what informs these different estimates.

[21] See below.

[22] Magdalene and Wunsch 2011, 133–134.

[23] Joannès and Lemaire 1999; Weszeli 1999; Lambert 2007.

[24] Joannès and Lemaire 1999.

[25] Abraham 2005–2006.

[26] Abraham 2007.

[27] Magdalene and Wunsch 2011.

[28] Magdalene and Wunsch 2011, 129–130, on JWB 9.

their business and family affairs. These observations will need to be taken further when more texts become available, but the potential is already clear. On a sobering note, however, it remains to be seen whether it will be possible to link any of the Babylonians mentioned in the Āl-Yahūdu texts up with individuals documented elsewhere in the Neo-Babylonian corpus. For instance, the inheritance division of Ahiya-qām's sons was drafted in Babylon and mentions at least three persons bearing full Babylonian names, but we know nothing about their backgrounds.[29] Encounters like these are mute, for they fail to speak to the rest of the Neo-Babylonian corpus. In this respect, the archives to be discussed next offer greater potential.

Let us take as an example Yahu-nūru, a Judean mentioned in VS 3 6 as a small-scale debtor of Mušēzib-Bēl, son of Bēl-ušallim of the Tunāya family.[30] The tablet was drafted in a village called Bīt-Nabû-le'i, not far from Borsippa. Certain features of this Judean-Babylonian encounter are comparable to the evidence of the Āl-Yahūdu texts: the rural setting, for instance, and the structural relationship between a Babylonian creditor and a Judean debtor.[31] But the encounter in VS 3 6 can be contextualized, in contrast to those in the Āl-Yahūdu texts. Mušēzib-Bēl was a junior business partner of Ṭābia, the protagonist of the Sîn-ilī archive.[32] Several texts in that archive document this man's activities. These tell us that he operated in the countryside between Babylon and Borsippa, where he oversaw the lease and cultivation of crown land. It was in this context that he met Yahu-nūru. Mušēzib-Bēl's contacts with Ṭābia allow us to link his rural world up with the metropolis of Babylon, where Ṭābia lived and worked. Among the numerous archives that survive from sixth-century BCE Babylon, there is one that connects directly to Mušēzib-Bēl (and therefore indirectly to Yahu-nūru) through its protagonist's marriage with Ṭābia's daughter.[33] The man in question, Nabû-ēṭir-napšāti/Marduk-zēru-ibni/Ea-eppēš-ilī, was a priest in Ehursagtila, the temple of Ninurta in the center of Babylon. Looking back from Ehursagtila to Yahu-nūru, we can conclude that it took at least three steps to link the rural world of the Judean, as recorded in VS 3 6, with the urban world of an inner-city priest, as recorded in the Ea-eppēš-ilī B archive.

The case of Yahu-nūru is not unique. There are about a dozen other archives that record Judean-Babylonian encounters within a well-documented social context. These archives are: (1) the Egibi archive from Babylon;[34] (2) the Bēl-eṭēri-Šamaš archive from Nippur;[35] (3) the Eanna archive from Uruk;[36] (4) the Iliya

[29] Abraham 2007; Magdalene and Wunsch 2011, 121–123.
[30] Cf. Zadok 2002, 28, no. 9.
[31] Several such instances are discussed by Magdalene and Wunsch 2011.
[32] Jursa 2005, 69–71; 2010, 210.
[33] The Ea-eppēš-ilī B archive, cf. van Driel 1989b, 114; Jursa 2005, 64.
[34] *Nbk* 361, *Dar* 310.
[35] YOS 19 36.
[36] YOS 6 188.

D archive from Borsippa;[37] (5) the Ebabbar archive from Sippar;[38] (6) the Iššar-tarībi archive from Sippar;[39] (7) the archive of Marduk-rēmanni from Sippar;[40] (8) the Šangû-Šamaš B archive from Sippar;[41] (9) the Ša-nāšišu B archive,[42] and some unassigned texts from that same city;[43] and (10) the archive of Silim-Bēl/Arrabi from Isin.[44] With the exception of the last of these, each of these archives has good prosopographic connections to the wider Neo-Babylonian text corpus.[45] The Murašû archive, by contrast, is difficult to link up to other archives from the same period,[46] whereas too little is known about the Āl-Yahūdu texts at present to say much about their inter-archival connections.

Finally, we should mention the famous "Weidner texts," four ration lists partially published by E. Weidner in 1939. These texts offer a dramatic change of perspective from the legal contracts discussed so far. Here, we are at Nebuchadnezzar II's palace in Babylon, and we see Jehoiachin, the exiled king of Judah, and some of his family members receiving oil rations from the palatial administration. The appearance of the king's name in cuneiform texts dated shortly after his deportation to Babylonia has attracted much attention, but the lists are only a tiny part of a large administrative archive of about three hundred texts that still awaits publication.[47] The archive was found by R. Koldewey in the South Palace of Nebuchadnezzar II in Babylon in the early twentieth century. The four published texts document social interactions between the Judean royal family in exile, palace officials charged with their provisions, and other foreigners who figured on the payroll of the palace. So far, outsiders do not appear in these texts, and they are unlikely to do so in the unpublished material, as the South Palace archive concentrates on the internal redistribution of goods within the palace economy. It is therefore unknown to what degree Jehoiachin and his retinue had access to the outside world, whether Babylonian or Judean.

[37] BM 26553 (Zadok 2002, 32, no. 44; and see n. 68 below).
[38] *Cyr* 307 (Joannès 1994), CT 55 341; CT 56 132, 795; Jursa 1995, no. 47; CT 57 197, 700.
[39] BM 74457 (Weszeli 1996 no. 2), BM 64240 (Jursa and Weszeli 2000).
[40] BM 74623 (Waerzeggers forthcoming, no. 90).
[41] BM 74554 (Stolper 1989; for the archival context of this text see Jursa 2005, 129 n. 988).
[42] CT 4 21a (Jursa 2005, 127 n. 969).
[43] Roth 1989 no. 26 (Jursa 2004, no. 1; cf. Jursa 2001 and 2007).
[44] ROMCT 2 25 and JCS 28 49 (Jursa 2005, 102 n. 740).
[45] Note also the isolated text from Marad cited by Zadok (2002, 28, no. 11).
[46] Some connections with the Kasr archive are discussed by Stolper (1990, 198).
[47] Pedersén 1998, 183–184; 2005a, 111–127; 2005b; Jursa 2005, 6; 2010b. The tablets in the Vorderasiatisches Museum in Berlin will be published in the near future by O. Pedersén and J. Marzahn (cf. Pedersén 2005a, 118).

Pathways in Texts and Society

The very existence of cuneiform texts mentioning Judeans is proof of their interaction with Babylonians. But neither the Judean communities nor Babylonian society were monolithic entities. As we have seen in the previous pages, diverse groups of Judean deportees are recorded in the texts, and records of their interactions with Babylonians are preserved in archives from a variety of different locations and social contexts. But that does not mean that all areas of Babylonian society were accessible to them. The case of Yahu-nūru may serve as an example. While this Judean man was in touch with a Babylonian whose personal contacts reached into the heart of the city of Babylon, he had no direct access to that world himself. Reviewing the evidence for Judeans in Babylonian sources, an important pattern seems to emerge. Archives of priests – men who held prebendary positions in Babylonia's numerous temples – are underrepresented in our overview, even though such archives account for a significant portion of the Neo-Babylonian text corpus. The Egibis, for instance, were agricultural entrepreneurs and tax farmers (among others), "without well-established roots in the traditional establishment whose focal point was formed by the old sanctuaries."[48] This description applies equally well to Ṭābia of the Sîn-ilī archive, Bēl-eṭēri-Šamaš from Nippur, and Silim-Bēl from Isin. While it would be wrong to claim that all these men belonged to the same social stratum, the clear overlap in business profile warrants treating them as similar. Iššar-tarībi from Sippar, on the other hand, exhibits a different portfolio as merchant and traveling tradesman, but he too lived his life at a fair distance from the temple households that were of central concern to many Babylonians. In short, just by looking at archival affiliation, the impression arises that Judean-Babylonian encounters happened in specific, or selective, social settings.

At this point, I will turn to some concepts of network analysis that might help us to analyze the patterns that we see emerging from our corpus.[49] Each text is the record of an event, and events that share one or more participants are connected. Co-occurrence means that goods, ideas, and/or information have occasion to travel from one person to the other. Individuals usually participate in multiple networks, and the structure of these interlocking circuits determines how wealth, knowledge, literature, support and friendship – in short, "social and cultural capital" – moves in society. Network analysis enables one to visualize complex structures and to measure a number of network properties, such as density, distance, and centrality, and these properties in turn tell us something about the network's effect on its participants.

[48] Jursa 2005, 66.

[49] For network analysis, see among others Wasserman and Faust 1994; Scott 2000; Carrington, Scott and Wasserman 2005; Fuhrt 2010.

In the next part of this paper, I will apply a basic network concept to the study of Judean-Babylonian encounters: the "path."[50] Paths consist of actors connected through interaction. The number of paths that traverse a network and the number of steps that separate individual actors tell us about reachability and closeness in a network. The concept is useful for our present purpose for two reasons. First, in view of how cuneiform texts come down to us (in archives/groups mostly) we stand a good chance of capturing paths in our surviving sources. One of these paths, involving Yahu-nūru, has already been discussed. Second, as our aim is to locate contact between two groups in Babylonian society, reachability and distance are of prime concern here.

The Case of the Chronicles

Returning to our case study, let us begin by asking how accessible the Babylonian chronicles were for a non-Babylonian audience. The first step is to isolate paths that connect the two entities at stake here: persons of Judean descent and Babylonian chronicle texts. On both sides, there are a number of problems that need comment. Identifying Judeans is not straightforward, as it depends, for the most part, on onomastic criteria – a procedure with known limitations; as in the preceding part of this paper, I will rely on Ran Zadok's extensive publications on the matter.[51] Turning to the Babylonian chronicles, it is crucial to point out that these did not at all circulate widely in Babylonian society. So far, only three centers are known where chronicles were written and stored: Sippar, Babylon, and Borsippa.[52] In Sippar, a copy of the Weidner chronicle was found in the library of the Neo-Babylonian Ebabbar temple.[53] In Babylon, a large number of chronicles about events in the late Achaemenid and Hellenistic periods were found in the library of the Esagil temple,[54] but these texts postdate the period of concern here.[55] Only in Borsippa did the Babylonian chronicles circulate on a wider platform in the sixth century BCE. A common misconception is that Babylon was the principal center of chronicle writing in the Neo-Babylonian period, but this is unlikely in view of the fact that, with the exception of ABC 1, all extant copies of the Babylonian Chronicle Series, along with many other chronicles about earlier periods of Mesopotamian history, were actually written and probably composed in Borsippa. There they were found interspersed with

[50] Scott 2000, 68.
[51] Zadok 1978, 1979, 1984, 1988, 2002.
[52] Waerzeggers 2012.
[53] al-Rawi 1990; Schaudig 2009.
[54] Clancier 2009, esp. 447–448.
[55] For the earlier period only one compilation may *possibly* derive from Babylon (ABC 1); the compiler was an inhabitant of Babylon (Brinkman 1990) but it is unknown where the text was found.

business contracts in the archives of priests who worked in the Ezida temple dedicated to Nabû, the god of learning and writing.[56] This suggests that this genre of historiography circulated in a domestic setting within a well-defined segment of Babylonian society.

There are several paths that link Judeans and Babylonian chronicle texts.

(1) The first path involves a rich family of Judean royal merchants who traded (and probably lived) in Sippar in the reigns of Nabonidus and Cyrus.[57] Sippar was a busy port of trade at the nexus of routes coming in from the Persian Gulf, Syria, and Iran. The path starts in a marriage contract between a Judean merchant's daughter and a local Sipparean man.[58] Through chains of textual co-occurrence, the path then leads via the groom (Guzānu/Kiribtu/Arraru)[59] as well as one of the witnesses (Nabû-iddina/Bānia/Pahhāru)[60] to a Babylonian family of merchants with whom these two persons were associated.[61] One member of that Babylonian family, Marduk-rēmanni, was a temple scribe in Ebabbar where he also held priestly charges in the cult. It is quite possible that he had access to the temple library. This means that the Judean family of royal merchants and the repository of the chronicle text in the temple library were three steps removed.

(2–3) The second and third paths merge with the first one, but they start with other Judean persons. In BM 64240 one or two persons of Judean descent are mentioned among the witnesses of a slave sale (late sixth century BCE).[62] The buyer was Iššar-tarībi, a well-known merchant based in Sippar where his archive was found. He worked in close proximity to the same Babylonian family whom we already encountered as the intermediary link of path 1, bridging the mercantile world of Sippar with the Ebabbar temple in the center of town, where a copy of the Weidner chronicle was kept. Among the merchant's texts there is another one that mentions a person with a Hebrew name, a trader traveling between Humadēšu in Iran and Sippar.[63]

(4) The fourth path brings us to an entirely different social milieu. Whereas paths 1, 2, and 3 passed through Sippar's mercantile world, path 4 leads us to the countryside. The starting point here is BM 61246: a man of Judean descent enters into a sharecropping agreement with an administrator of the Ebabbar temple in the reign of Nabonidus.[64] The land in question was located in Til-Gubbi where many of Ebabbar's most senior priests owned palm gardens. Although the Judean sharecropper made his living in a marginal zone of this elite village, there will have been plenty of occasions for this man to meet some of Sippar's most learned inhabitants. It is, however, highly doubtful whether these encounters gave rise to discussions about history, let alone historiography.

---

[56] For these archives, see Waerzeggers 2010.
[57] Jursa 2007.
[58] Roth 1989, no. 26 (Jursa 2004, no. 1; cf. Jursa 2001 and 2007).
[59] BM 74597.
[60] BM 67336.
[61] Waerzeggers, forthcoming. The family under discussion is Ṣāhit-ginê; cf. Bongenaar 1997, 476–480; 2000; Zawadzki 2000; Jursa 2005, 125–126, 132; 2010a, passim (see index at p. 858).
[62] Zadok 1988, 306; Jursa and Weszeli 2000, 82–85; Zadok 2002, 31–32.
[63] Zadok 2002, 31.
[64] Jursa 1995, no. 47; see also CT 56 132 (Zadok 1984, 1988; Jursa 1995, 141, 232).

(5) A fifth platform of contact relates to Ebabbar's oblate population, some of whom were of Judean descent. In view of the fact that the interaction in these cases was characterized by subordination and social control (as seen for instance in the temple authority's attempt to curb a Judean girl's love life, Cyr 307), and strict restrictions of mobility in the temple grounds, it is unlikely that these encounters were conducive of cultural exchange.

(6) Borsippa was the most important center of chronicle writing in the sixth century BCE, but there is almost no evidence of Judeans living in or near the city at that time. Some years ago, it was suggested that the Judean colony of Āl-Yahūdu was located near Borsippa,[65] but this is now being revised.[66] At the present moment, there is only one secure record of a Judean-Babylonian encounter involving inhabitants of Borsippa.[67] It is recorded in BM 25563, where a Judean army scribe is said to have collected the bow tax from certain Borsippean citizens.[68] These men belonged to a prominent priestly clan of Ezida, doubtlessly the kind of people who might have held copies of the Babylonian chronicles in their private archives, but the receipt was drafted in Babylon and not in their hometown. A similar case is known from Sippar, as a local prebendary priest traveled to Babylon to pay his taxes to a collector acting on behalf of a Judean administrator.[69]

In terms of frequency, the strongest links are those emanating from the mercantile community of Sippar. Here, Judean traders interacted with Syrian, Iranian, and Babylonian merchants in an open, heterogeneous society. Among the Babylonians, very few had access to the temple library, where a chronicle copy was kept. In fact, at the present moment, we know of only one man who did. As a bridge between two separate social and cultural worlds, this Babylonian man (and possibly others like him not documented in our texts) provided a rare occasion for the transfer of ideas. However, there is no evidence that this particular family had any interests in scholarly texts: while some of their peers in the temple community owned extensive home libraries,[70] this family did not.

Incidental or Structural?

This leaves us with a poor match. On the Babylonian side, we have a text genre with limited circulation in society. On the other side, we have a population group in sporadic contact with Babylonians who operated mostly outside that particular area of circulation. Is this mismatch structural or accidental? Are there routes

[65] Pearce 2006.

[66] Magdalene and Wunsch 2011.

[67] Note that VS 3 6, the text mentioning Yahu-nūri, was drafted in the vicinity of Borsippa; but prosopographically, this text links up to Babylon rather than Borsippa.

[68] BM 26553: 7–8 [PN] a-*šú šá* ^{l}*za-kar-ri-ia-ma* ^{lú}*se-pi-ri* [*šá* ^{lú}gal (?)] *um-man-ni* (Babylon, Dar 14).

[69] BM 74554 (Stolper 1989; Jursa 2005, 129 n. 988).

[70] E. g., Bēl-rēmanni, Jursa 1999.

of transmission that our sources fail to highlight, or did such routes not exist? In the previous section, I have outlined the "eventual history" of such routes based on texts available to us. This enquiry suggests that the only environment productive for intercultural exchange was the mercantile world of Sippar. Was this really the platform where Judeans gained intimate knowledge of Babylonian chronicles? In the face of the obvious shortcomings of a method strictly relying on preserved (and published) texts, it seems paramount to look at the underlying structures that dictated the patterns visible in our corpus. Is it a coincidence, for instance, that Judeans do not appear in priestly archives, except as tax collectors, and that the only exception to this rule is provided by Marduk-rēmanni, a man who does not fit the profile of a standard priest? His background was in trade and agricultural entrepreneurship, much like the Egibis, Ṭābia//Sîn-ilī, and other Babylonians whose archives do mention Judeans.[71] It would seem that local priestly families and Judean deportees lived at some social distance from each other, but that there were brokers who could serve as a bridge between these communities.

Conclusion

In this paper I used an experimental methodology that involves reconstructing paths of contact between historical entities (texts and persons). These pathways supply us with a number of real interactions that happened in the past, i. e., historical social networks. The pathways indicate possible – but by no means the *necessary* – routes through which ideas, and texts, could travel. To showcase this methodology, I applied it to Liverani's proposal that the Babylonian Chronicles were a source for the books of Kings. My concern was not with the question whether the literary parallels between these particular texts indeed resulted from direct borrowing, but whether the social infrastructure was in place that would have supported such a connection. The answer to that question is not unambiguous. If we refrain from hypothesizing about the location and content of Judean-Babylonian contacts – if we choose only to rely on cuneiform records actually preserved – there is indeed some evidence in support of this claim, but it does not amount to much at all. The only interface where cultural exchange took place with some frequency according to our present records is the mercantile world shared by Judean and Babylonian merchants. Some Babylonian traders had a literate background that may have enabled them to act as cultural brokers. Such figures were uncommon in the Babylonian landscape, as far as we can tell, and the occasions for cultural exchange resulting from their activities must have been rare. However, in view of the importance that is accorded to weak ties in

[71] Waerzeggers, forthcoming.

network analysis,[72] this does not have to mean that such men were unlikely to transmit ideas; on the contrary, fleeting contact may have been more inductive of change than intimate bonds.

Although the results of this enquiry are very much inconclusive, I do hope to have shown some possible ways of analyzing Judean-Babylonian contacts contained in our texts. Although it may not be possible to gain straight answers to the question of how Judeans interacted with their Babylonian milieu – and how that milieu actually tied up to the rest of Babylonian society – it is worthwhile to attempt a more rigorous approach to the question of contact in the exile, all the more so in view of the different dynamics that the deported community must have experienced in its various social settings within Babylonia.

Bibliography

Abraham, K. 2005–2006. "West Semitic and Judean Brides in Cuneiform Sources from the Sixth Century BCE: New Evidence from a Marriage Contract from Āl-Yahudu." *Archiv für Orientforschung* 51:198–219.

–. 2007. "An Inheritance Division among Judeans in Babylonia from the Early Persian Period." In *New Seals and Inscriptions: Hebrew, Idumean, and Cuneiform*, edited by M. Lubetski, 206–221. Sheffield: Sheffield Phoenix Press.

Bongenaar, A. C. V. M. 1997. *The Neo-Babylonian Ebabbar Temple at Sippar: Its Administration and Its Prosopography*. Publications de l'Institut historique-archéologique néerlandais de Stamboul 80. Istanbul: Nederlands Historisch-Archaeologisch Instituut te Istanbul.

–. 2000. "Private Archives in Neo-Babylonian Sippar and Their Institutional Connections." In *Interdependency of Institutions and Private Entrepreneurs: Proceedings of the Second MOS Symposium, Leiden 1998*, edited by A. C. V. M. Bongenaar, MOS Studies 2, Publications de l'Institut historique-archéologique néerlandais de Stamboul 87, 73–94. Istanbul: Nederlands Historisch-Archaeologisch Instituut te Istanbul; Leiden: Nederlands Instituut voor het Nabije Oosten.

Brinkman, J. A. 1990. "The Babylonian Chronicle Revisited." In *Lingering Over Words: Studies in Ancient Near Eastern Literature in Honor of William L. Moran*, edited by T. Abusch et al., Harvard Semitic Studies 37, 73–104. Atlanta: Scholars Press.

Carrington, P. J., J. Scott, and S. Wasserman. 2005. *Models and Methods in Social Network Analysis*. Structural Analysis in the Social Sciences 27. Cambridge: Cambridge University Press.

Clancier, P. 2009. *Les bibliothèques en Babylonie dans la deuxième moitié du I^er^ millénaire Av. J.-C.* Alter Orient und Altes Testament 363. Münster: Ugarit-Verlag.

Coogan, M. D. 1973. "Patterns in Jewish Personal Names in the Babylonian Diaspora." *Journal for the Study of Judaism in the Persian, Hellenistic and Roman Period* 4:183–191.

–. 1974. "Life in the Diaspora: Jews at Nippur in the 5th Century BC." *Biblical Archaeologist* 37:6–12.

[72] Granovetter 1982.

–. 1976a. *West Semitic Personal Names in the Murašû Documents*. Harvard Semitic Monographs 7. Missoula, MT: Scholars Press.
–. 1976b. "More Yahwistic Names in the Murašu Documents." *Journal for the Study of Judaism in the Persian, Hellenistic and Roman Period* 7:199–200.
Daiches, S. 1910. *The Jews in Babylonia in the Time of Ezra and Nehemiah according to Babylonian Inscriptions*. London: Jews' College.
Dandamaev, M.A. 1984. *Slavery in Babylonia from Nabopolassar to Alexander the Great (626–331 B.C.).* Edited by M.A. Powell and D.B. Weisberg, translated by V.A. Powell. Rev. ed. DeKalb: Northern Illinois University Press.
Donbaz, V., and M.W. Stolper. 1997. *Istanbul Murašû Texts*. Publications de l'Institut historique-archéologique néerlandais de Stamboul 79. Istanbul: Nederlands Historisch-Archaeologisch Instituut te Istanbul.
Driel, G. van. 1989a. "The Murašûs in context." *Journal of the Economic and Social History of the Orient* 32:203–229.
–. 1989b. "The British Museum 'Sippar' Collection: Babylonia 1882–1893." *Zeitschrift für Assyriologie und Vorderasiatische Archäologie* 79:102–117.
Eph'al, I. 1978. "The Western Minorities in Babylonia in the 6th–5th Centuries B.C.: Maintenance and Cohesion." *Orientalia* 47:74–90.
–. 1983. "On the political and social organization of the Jews in the Babylonian Exile." In *XXI. Deutscher Orientalistentag, Vorträge,* edited by F. Steppat, 106–112. Wiesbaden: F. Steiner.
Fuhrt, B. 2010. *Handbook of Social Network Technologies and Applications*. New York: Springer.
Granovetter, M. 1982. "The Strength of Weak Ties: A Network Theory Revisited." In *Social Structure and Network Analysis*, edited by P.V. Marsden and N. Lin, 105–130. Beverly Hills, CA: Sage.
Joannès, F. 1994. "Amours contrariées." *Nouvelles Assyriologiques Brèves et Utilitaires* 1994/72:61–62.
Joannès, F., and A. Lemaire. 1999. "Trois tablettes cunéiformes à onomastique ouest-sémitique (collection Sh. Mousaïeff)." *Transeuphratène* 17:17–34.
Jursa, M. 1995. *Die Landwirtschaft in Sippar in neubabylonischer Zeit*. Archiv für Orientforschung Beiheft 25. Vienna: Institut für Orientalistik der Universität Wien.
–. 1999. *Das Archiv des Bēl-rēmanni*. Publications de l'Institut historique-archéologique néerlandais de Stamboul 86. Istanbul: Nederlands Historisch-Archaeologisch Instituut te Istanbul; Leiden: Nederlands Instituut voor het Nabije Oosten.
–. 2001. "Kollationen." *Nouvelles Assyriologiques Brèves et Utilitaires* 2001/102:98–100.
–. 2004. "Neubabylonische Texte." In *Texte aus der Umwelt des Alten Testaments*, *Neue Folge*, 1, edited by B. Janowski and G. Wilhelm, 89–110. Gütersloh: Gütersloher Verlagshaus.
–. 2005. *Neo-Babylonian Legal and Administrative Documents: Typology, Contents and Archives*. Guides to the Mesopotamian Textual Record 1. Münster: Ugarit-Verlag.
–. 2007. "Eine Familie von Königskaufleuten judäischer Herkunft." *Nouvelles Assyriologiques Brèves et Utilitaires* 2007/22:23.
–. 2010a. *Aspects of the Economic History of Babylonia in the First Millennium BC: Economic Geography, Economic Mentalities, Agriculture, the Use of Money and the Problem of Economic Growth*. Alter Orient und Altes Testament 377. Münster: Ugarit-Verlag.

–. 2010b. "Der neubabylonische Hof." In *Der Achämenidenhof, The Achaemenid Court: Akten des 2. Internationalen Kolloquiums zum Thema "Vorderasien im Spannungsfeld klassischer und altorientalischer Überlieferungen," Landgut Castelen bei Basel, 23.–25. Mai 2007*, edited by B. Jacobs and R. Rollinger, 67–106. Wiesbaden: Harrassowitz.

Jursa, M., and M. Weszeli. 2000. "Der 'Zahn des Schreibers': Ein aramäischer Buchstabenname in akkadischer Transkription." *Zeitschrift für Assyriologie und Vorderasiatische Archäologie* 90:78–84.

Lambert, W. G. 2007. "A Document from a Community of Exiles in Babylonia." In *New Seals and Inscriptions: Hebrew, Idumean, and Cuneiform*, edited by M. Lubetski, 201–205. Sheffield: Sheffield Phoenix.

Liverani, M. 2010. "The Book of Kings and Ancient Near Eastern Historiography." In *The Books of Kings: Sources, Composition, Historiography and Reception*, edited by B. Halpern and A. Lemaire, 163–184. Supplements to Vetus Testamentum 129. Leiden: Brill.

Magdalene, F. R., and C. Wunsch. 2011. "Slavery between Judah and Babylon: The Exilic Experience." In *Slaves and Households in the Near East*, edited by L. Cultbertson, 113–134. Oriental Institute Seminars 7. Chicago: Oriental Institute of the University of Chicago.

Malkki, L. 1995. *Purity and Exile: Violence, Memory, and National Cosmology among Hutu Refugees in Tanzania*. Chicago: Chicago University Press.

Oded, B. 1995. "Observations on the Israelite / Judaean Exiles in Mesopotamia during the Eighth-Sixth Centuries BCE." In *Immigration and Emigration within the Ancient Near East, Festschrift E. Lipiński*, edited by K. Van Lerberghe and A. Schoors, 205–212. Orientalia Lovaniensia Analecta 65. Leuven: Peeters.

–. 2000. "The Settlements of the Israelite and the Judean Exiles in Mesopotamia in the 8th–6th centuries BCE." In *Studies in Historical Geography and Biblical Historiography Presented to Zecharia Kallai*, edited by G. Galil and M. Weinfeld, 91–103. Supplements to Vetus Testamentum 81. Leiden: Brill.

Pearce, L. E. 2006. "New Evidence for Judeans in Babylonia." In *Judah and the Judeans in the Persian Period*, edited by O. Lipschits, G. N. Knoppers, and M. Oeming, 399–411. Winona Lake, IN: Eisenbrauns.

–. 2011. " 'Judean': A Special Status in Neo-Babylonian and Achaemenid Babylonia?" In *Judah and the Judeans in the Achaemenid Period: Negotiating Identity in an International Context*, edited by O. Lipschits et al., 267–277. Winona Lake, IN: Eisenbrauns.

Pedersén, O. 1998. *Archives and Libraries in the Ancient Near East, 1500–300 B.* C. Bethesda, MD: CDL Press.

–. 2005a. *Archive und Bibliotheken in Babylon: Die Tontafeln der Grabung Robert Koldeweys 1899–1917*. Berlin: Saarländische Druckerei und Verlag.

–. 2005b. "Foreign Professionals in Babylon: Evidence from the Archive in the Palace of Nebuchadnezzar II." In *Ethnicity in Ancient Mesopotamia: Papers Read at the 48th RAI, Leiden, 1–4 July 2002*, edited by W. H. van Soldt, 267–272. Leiden: Nederlands Historisch-Archaeologisch Instituut te Istanbul.

al-Rawi, F. N. H. 1990. "Tablets from the Sippar Library. I. The 'Weidner Chronicle': A Suppositious Royal Letter Concerning a Vision." *Iraq* 52: 1–13.

Roth, M. T. 1989. *Babylonian Marriage Agreements, 7th–3rd Centuries BC*. Alter Orient und Altes Testament 222. Neukirchen-Vluyn: Neukirchener Verlag.

Schaudig, H. 2009. "The Colophon of the Sippar Text of the 'Weidner Chronicle.'" *Nouvelles Assyriologiques Brèves et Utilitaires* 2009/15:20–21.
Scott, J. 2000. *Social Network Analysis: A Handbook*. London: Sage.
Stolper, M. W. 1976. "A Note on Yahwistic Personal Names in the Murašû Texts." *Bulletin of the American Society of Oriental Research* 222:25–28.
–. 1985. *Entrepreneurs and Empire: The Murašû Archive, the Murašû Firm, and Persian Rule in Babylonia*. Publications de l'Institut historique-archéologique néerlandais de Stamboul 54. Leiden: Nederlands Historisch-Archaeologisch Instituut te Istanbul.
–. 1989. "The Governor of Babylon and Across-the-River in 486 B. C." *Journal of Near Eastern Studies* 48:283–305.
–. 1990. "The Kasr Archive." In *Centre and Periphery: Proceedings of the Groningen 1986 Achaemenid History Workshop*, edited by H. Sancisi-Weerdenburg and A. Kuhrt, 195–205. Achaemenid History 4. Leiden: Nederlands Historisch-Archaeologisch Instituut te Istanbul.
–. 2001. "Fifth Century Nippur: Texts of the Murašûs and from Their Surroundings." *Journal of Cuneiform Studies* 53:83–132.
Waerzeggers, C. 2006. "The Carians of Borsippa." *Iraq* 68:1–22.
–. 2010. *The Ezida Temple of Borsippa: Priesthood, Cult, Archives*. Achaemenid History 15. Leiden: Nederlands Instituut voor het Nabije Oosten.
–. 2012. "The Babylonian Chronicles: Classification and Provenance." *Journal of Near Eastern Studies* 71:285–298.
–. Forthcoming. *Marduk-rēmanni. Local Networks and Imperial Politics in Achaemenid Babylonia.* Orientalia Lovaniensia Analecta. Leuven: Peeters.
Wasserman, S., and K. Faust. 1994. *Social Network Analysis: Methods and Applications.* Structural Analysis in the Social Sciences 8. Cambridge: Cambridge University Press.
Weidner, E. F. 1939. "Jojachin, König von Juda, in babylonischen Keilschrifttexten." In *Mélanges syriens offerts à Monsieur René Dussaud par ses amis et élèves*, vol. 2, edited by M. Dunand, 923–935. Paris: P. Geuthner.
Weszeli, M. 1996. "Eseleien." *Wiener Zeitschrift für die Kunde des Morgenlandes* 86:461–478.
–. 1999. "Ein Rind mit vernarbtem Buckel." *Nouvelles Assyriologiques Brèves et Utilitaires* 1999/107:102–103.
Zadok, R. 1978. *On West Semites in Babylonia during the Chaldean and Achaemenian Periods: An Onomastic Study*. Rev. ed. Tel Aviv: Tel Aviv University.
–. 1979. *The Jews in Babylonia during the Chaldean and Achaemenian Periods according to the Babylonian Sources*. Studies in the History of the Jewish People and the Land of Israel, Monograph Series 3. Haifa: University of Haifa.
–. 1984. "Some Jews in Babylonian Documents." *Jewish Quarterly Review* 74:294–297.
–. 1988. *The Pre-Hellenistic Israelite Anthroponomy and Prosopography*. Orientalia Lovaniensia Analecta 28. Leuven: Peeters.
–. 2002. *The Earliest Diaspora: Israelites and Judeans in Pre-Hellenistic Mesopotamia*. Publications of the Diaspora Research Institute 151. Tel Aviv: The Diaspora Research Institute.
Zawadzki, S. 2000. "Zazannu and Šušan in the Babylonian texts from the archive of the Ṣāḫit ginê family." In *Variatio Delectat: Iran und der Westen, Gedenkschrift für Peter Calmeyer*, edited by R. Dittmann et al., 723–744. Alter Orient und Altes Testament 272. Münster: Ugarit Verlag.

Maria Macuch

Jewish Jurisdiction within the Framework of the Sasanian Legal System

Recent research in the field of Sasanian jurisprudence over the past two decades has also given a new impetus to the study of the Babylonian Talmud, the foremost source for Jewish theology and law. As is well known, the Babylonian Talmud was produced in the course of Parthian and Sasanian rule over Mesopotamia and concluded in the fifth to sixth centuries CE in a cultural environment in which Jews and Zoroastrians lived in close proximity for over a millenium. One of the most obvious features of this long coexistence are Iranian loanwords from everyday life which have found their way into the Talmud not because they were important technical terms, but as a result of the close contact between Jews and Persians on a daily basis. Cross-cultural relationships between the two were by no means limited to lexical borrowings. Several recent studies have shown that Iranian mores may have played a far more prominent part in the development of the Talmud and in various areas of rabbinic culture than scholars hitherto presumed.

The Talmud is full of examples indicating that the Jews were allowed a fair amount of autonomy in their communal affairs within the Iranian empire, although their legal activities were placed under the supervision of the Persian government. With the advent of the Sasanians in the third century CE and the establishment of a powerful state with a highly efficient bureaucracy and a sophisticated legal system, the judicial authority of Jewish courts was reduced to certain branches of civil law, excluding the right to inflict capital punishment.[1] The Sasanians could not completely ignore the ethnic realities of Babylonia, and although religious persecutions of Jews and other non-Mazdeans did take place from time to time (as is well known from the age of the high priest Kardīr and the sovereigns Yazdegird II and Pērōz), Jews were largely allowed to practice their own cult and enforce their own laws. The Talmud itself bears witness to periods of relative peace for the Jewish community, in which its law schools prospered and rabbis issued judgments in Jewish courts. Apparently Jewish authorities were willing to accept the Iranian legal system from the very beginning of Sasanian rule, which may have been one of the main reasons for the development of a comparatively peaceful *modus vivendi* between the Persian government and

[1] Neusner 1966, 30–35.

the Jewish community. This early acceptance of Iranian law is reflected in the famous and oft-cited statement of the prominent Jewish authority, R. Samuel, who held office as a judge in the third century: "The law of the government is law" (*dyn' dmlkwt' dyn'*).[2] No matter how we choose to interpret this much-debated statement, it seems to refer to the undeniable fact that Iranian law was in force in the Sasanian Empire, implying that it would be senseless not to observe it, hereby possibly also ruling that the official legal system and its authorities were to be followed, not opposed. With this important statement R. Samuel also seems to have tacitly conceded that the Sasanian legal system was acceptable, since the laws of the state were not unjust towards the Jews.

Our most important source for Sasanian law, compiled in the late Sasanian period, the (*Mādayān ī*) *Hazār dādestān* (*MHD*), "(Book of) One Thousand Decisions,"[3] seems, in fact, to confirm the idea that the Iranian legal system did not treat adherents of other religions in an undue manner. A passage in this basic source deals with the legal relationship between Mazdeans and non-Mazdeans. Although followers of another faith are denoted from the perspective of Zoroastrianism as *agdēn,* literally "adherents of a bad religion," the usual term for "unbeliever(s), infidel(s)," the passage actually shows that the Iranian legal system put only a few minor restrictions on non-Zoroastrians:

> *MHD* 60.16–61.1 *ag-dēn nē hamāg-tōzišn bē xwāstag(-)tōzišn*[4] (17) *bawēnd. ag-dēnān bē čiyōn-šān stūr nē gumārišn ud ān čiš ī pad rāh ī zahagīh ud paywand* (61.1) *abāyēd {… … dār}ēnd enyā-šān abārīg dādestān ōwōn čiyōn ān ī weh-dēnān.*
>
> Infidels (*ag-dēn*) do not count as joint debtors (*hamāg-tōzišn*), but (only as) part-debtors (*xwāstag-tōzišn*). (Regarding) infidels (*ag-dēnān*): except (the rule) that a "substitute successor" (*stūr*) should not be nominated for them and the object which is due in the line of offspring and descent {… …}, all other decisions concerning them are as those regarding adherents of the Good Religion (*weh-dēnān*).[5]

The sentence is taken from a context discussing inheritance (*dar ī xwāstagdārīh*) and calls our attention to the following three major legal distinctions between Mazdeans and adherents of other faiths in the Sasanian period:

> (1) Non-Zoroastrians cannot be held liable as joint debtors or co-debtors (*hamāg-tōzišn*), but only as part-debtors (*xwāstag-tōzišn*). In the context of inheritance the sentence refers to joint heirs who are shareholders and jointly liable for a debt. It states that a creditor cannot claim back the whole sum from each one of the debtors if they are not Mazdeans (in contrast to joint debtors confessing Zoroastrianism). Each one of the

[2] E. g., BB 54b, 55a; BK 113a; see also Neusner 1966, 69, and 1968, 44, with further references.

[3] On the title, see Macuch 1993, 10–11.

[4] On the reading *xwāstag-tōzišn*, see Macuch 1993, 425 (no. 9).

[5] Macuch 1993, 409 (transliteration), 415 (translation), 425–426 (commentary).

debtors will have to be sued separately, whereas in the case of Zoroastrian co-debtors each person could be held liable for the whole debt.[6]

(2) A "substitute successor" (*stūr*) cannot be engaged for a non-Zoroastrian. The institution called *stūrīh*, "substitute succession," belonged to the unique and characteristic features of Sasanian jurisprudence. It was a method of securing a man's male offspring if he was sterile or left no legitimate son at his demise. A large part of the estate of the deceased could be especially set apart for establishing this institution, devoted to procuring a male successor for a man with no son. Both men and women from inside and also outside the family could be engaged as "proxy" or "substitute successor" (*stūr*) with the duty to produce a son in an "auxiliary marriage" (*čagar*) who could be engaged as heir of the property reserved for this purpose (*pad stūrīh*) and as universal successor of the deceased.

(3) Further restrictions regarding the right of non-Zoroastrians to inherit property from a Zoroastrian (unfortunately deleted by a lacuna in the text).

These three restrictions, which were in force regarding non-Mazdeans in general, including Jews, all relate to property rights. The first one reduces the right of a non-Zoroastrian shareholder who has taken a loan together with other shareholders: he is personally liable for the debt, whereas Zoroastrians have collective liability. The second case states that the right to establish a proxy in order to engender offspring for a childless man (the institution of *stūrīh*) remained the privilege of Zoroastrians. This is in full agreement with requirements of the faith, not only because family property was to be transmitted to the next generation of Zoroastrians, but also since every believer had the duty to give birth to children, in order to increase the creation of Ohrmazd in the struggle between Good and Evil. This right could by no means be conceded to non-Zoroastrians. We may assume that the third restriction (with a lacuna in the text) concerning inheritance has a similar background, forbidding followers of another faith to become universal successors of a Zoroastrian.[7]

The most interesting piece of information for our topic is gained from the last part of this remarkable passage, which states explicitly that, apart from these three exceptions (which are understandable from a Zoroastrian point of view) the same laws are to be applied to Zoroastrians and non-Zoroastrians alike: "all other decisions concerning them (i. e., non-Zoroastrians) are as those regarding adherents of the Good Religion" (*enyā-šān abārīg dādestān ōwōn čiyōn ān ī weh-dēnān*). This principle is in full accordance with fundamental Zoroastrian religious requirements, even though adherents of other faiths were certainly not placed socially on the same level as Mazdeans, especially if the latter belonged to one of the first two estates of powerful and wealthy nobles and priests. In transactions with infidels, for example, the true Mazdean was to keep his word

[6] See the commentary in Macuch 1993, 425–426 (no. 9).

[7] This assumption is in fact confirmed in a passage of the *Hērbedestān* dealing with the property of converts to Zoroastrianism; see Macuch 2005 [2009], 91–102.

and fulfil a contract just as he was obliged to in dealings with fellow Zoroastrians.

abāg xwēšāwandān dōstān ǰud-dēnān mardomān mihr ma drōzēd.[8]

Do not break a contract with relatives, friends, or those confessing another religion (*ǰud-dēnān*).

This ruling, comprising completely different groups of people, obliges Zoroastrians to keep contracts with non-Mazdeans (*ǰud-dēn*) just as they have the duty to keep them with their own relatives and friends. Although this list may seem strange at first glance, the duty to honor contracts is in fact old and is not only apparent in chapter 4 of the *Vīdevdad* (*Vd*), but also in *Mihr Yašt* with a similar statement, forbidding Mazdeans to break contracts with either believers or infidels.[9]

It seems that Sasanian law treated non-Zoroastrians – at least theoretically – according to clear principles that were by and large acceptable to the rabbis concerned with jurisdiction in the Jewish community, as R. Samuel's famous statement cited above indicates. However, the passage gives no further information on Sasanian jurisdiction involving non-Mazdeans. On the other hand, the Talmud bears witness to the existence of Jewish courts beside Zoroastrian ones in the Sasanian period, which leads us to several puzzling questions regarding the relationship between the two. What was the position of the rabbis and their courts within the Sasanian legal system? How did they interact with the Zoroastrian clergy and with other legal authorities, especially with Persian state officials who alone had the power to enforce the judgments of the courts? Did the rulings of Jewish courts remain valid if they were contested in a Persian court? To what extent did Persian legal concepts have to be accepted or even adapted by the rabbis, thereby possibly influencing the development of Talmudic law? Only a very few of these issues have been dealt with in recent research; many fundamental questions remain that have not yet been treated adequately due to the sparseness of our sources from this period, on the one hand, and the difficulties in interpreting the extant Jewish and Iranian texts, on the other.

Since it would be impossible to tackle all these difficult questions within a limited period of time, this paper will focus on trying to determine the position of Jewish jurisdiction within the Sasanian legal system. I would like to argue that Zoroastrian law distinguished between two important legal categories that also allowed other religious groups to practice the laws of their religious communities to a certain degree as long as they did not interfere with the law of the Sasanian state and offend the norms set in Zoroastrian society.

[8] *Handarz ī dānagān ō mazdēsnān* 6, in Jamasp-Asana 1897–1913, 52. On the treatment of infidels and non-Iranians, see also Macuch 2010a, 199–203.

[9] I am indebted to P. O. Skjærvø for calling my attention to the similar passage in *Mihr Yašt* 1.2; see Gershevitch 1959, 74–75.

If we compare the two most important Jewish and Iranian legal sources of this period, the Babylonian Talmud and *MHD*, the Sasanian Lawbook, one significant difference is apparent: *MHD* deals exclusively with legal matters with no reference to any theological, dogmatic, ritual, or moral questions whatsoever, whereas the Talmud mingles religious and legal issues. In fact, *MHD*, our most important Iranian source on jurisprudence, does not discuss a single case relating to religious matters, but concentrates entirely on complex problems from the four main fields of jurisprudence: family law, the law of property, procedural law, and to a lesser extent, criminal cases. Its focus is on discussing the most difficult theoretical and practical legal questions in the specific argot of jurisprudence, a highly technical language that had developed over the course of several centuries of Zoroastrian law. The discrepancy between this revealing Iranian source and the Talmud reflects the difference between the law of a large, highly organized state with a legal bureaucracy covering all fields of law with the power to inforce judgment, on the one hand, and the law of a tolerated religious minority, in which religious and legal matters belong inseparably together, on the other. This state of affairs is, incidentally, identical to the post-Sasanian situation of Zoroastrians, who produced similar texts mingling theological and legal matters in the ninth and tenth centuries after the Islamic conquest of Iran. In short: *MHD* represents a legal system that has largely separated itself from theological matters, although Zoroastrianism remained, of course, its theoretical foundation. To avoid misunderstandings, I should add that we also have a number of Iranian sources from the Sasanian period in which legal and religious matters are discussed in a manner highly reminiscent of the Talmud. These discussions are primarily contained in the Pahlavi commentaries (*zand*) to the translation of Avestan texts, such as the *Videvdad,* the *Hērbedestān,* and the *Nērangestān*. But, as we will see shortly, these texts underline exactly this line of argumentation, since they have been categorized in Pahlavi sources as belonging to a different type of legal literature altogether.

As A. Cantera has shown in a recent article, two categories of law seem to have been already distinguished in the Avesta, the Holy Scripture of the Zoroastrians: (1) *dāta- vīdaēuua*, "the law keeping the *daēuua*s (demons) away,"[10] and (2) *dāta- zaraϑuštri*, "the law of Zoroaster," both mentioned repeatedly in the *Yasna*[11] (*Y*) and other Avestan texts.[12] This terminology is not only ancient, but also reflects an old division of religious law into two categories, which also seem to have been the foundation for the specific order of the legal *nasks* (or divisions) in the synopsis of Avestan texts given in *Dēnkard,* book 8.[13] We do not have to concern ourselves with the question, whether these two expressions

[10] Cantera 2006, 62.
[11] *Y*. 1.13; 2.13; 3.15; 4.18, etc.
[12] See Cantera 2006, 54–55.
[13] Cantera 2006, 60–61; Macuch 2007.

already represented two different categories of law in the Avestan age. In the period relevant for a comparison with the Talmud this certainly was the case. In a Pahlavi source discussing the division of the legal Avestan *nasks,* the *Wizidagīhā ī Zādspram* (*WīZ*)*,* "Selections of Zādspram," these two categories of legal texts are expressly named:

> *WīZ* 28.2: *dād-iz ō dō ēk dād ī ǰud-dēw ī ast ʿwīdēwdād ud ēk dād ī Zardušt ī ast abārīg dād.*
>
> The legal (nasks are) also (divided) into two (sorts): one (is) "the law keeping the *daēuua*s (demons) away" (*dād ī ǰud-dēw*)*,* that is the *wīdēwdād,* and one (is) the law of Zoroaster (*dād ī Zardušt*)*,* that is the other laws.[14]

In this passage Zādspram, an author of the ninth century, divides the legal divisions of the Avesta into two main groups:

> (1) *dād ī ǰud-dēw*, "the law keeping the *daēuua*s (demons) away," which he defines as the *wīdēwdād,* corresponding to Av. *dāta- vīdaēuua-*;
> (2) *dād ī Zardušt* "the law of Zoroaster," corresponding to Av. *dāta- zaraϑuštri-,* which he defines as "all other laws" (*abārīg dād*)*.*

Although this is a rather late work, the division into two main bodies of legal texts by Zādspram clearly reflects the two ancient expressions *dāta- vīdaēuua-* and *dāta- zaraϑuštri-* of the Avestan sources mentioned above and must be old. What was meant by these two categories of law? A passage in the fifth chapter of the *Videvdad* contains an interesting explanation in its Pahlavi commentary. In *Vd* 5.25 the Avestan phrase *dātəm yim vīdōiiūm zaraϑuštri*,[15] "this Zoroastrian law keeping the demons away," is translated into Pahlavi by the corresponding *dād ī ǰud-dēw ī zardušt* and explained in the commentary as follows:

> *ast kē ēn pad nasuš ud ān pad nīgādom pad wizīr ud dādwarīh ud ān ī pad huspārom nērang ī yazišn gōwēd*
>
> There is (a commentator) who says: "this (law, that is, the *wīdēwdād*) is about the Nasuš (= the female demon of the corpse and decay) and that (law) in the *nīgādom*(-nask) is about (legal) decisions and judgment, and that (one) in the *huspārom*(-nask) is about the power of the religious service (*yazišn*)".[16]

Obviously the Pahlavi exegete felt the need to distinguish between three different areas of law at the time of his commentary, i. e., in the Sasanian age:

> (1) purification rules and regulations (defined as the law against the Nasuš, the female demon of the corpse and decay, contained in the *wīdēwdād nask*);

---

[14] Gignoux and Tafazzoli 1993, 92–93; Cantera 2006, 60; Macuch 2007, 155.

[15] The edition of Jamasp (1907) has the Avestan text and its Pahlavi translation in *Vd* 5.24 (p. 165, line 16; p. 166, line 9 respectively) and the commentary in the next verse, *Vd* 5.25 (p. 167, lines 1–3).

[16] See Cantera 2006, 61; Macuch 2007, 154.

(2) the legal texts proper (concerned with decisions and judgment, contained in the *nīgādom nask*);
(3) rules concerning the religious service and ritual (contained in the *huspārom nask,* which included the two Avestan texts with a Pahlavi *zand* mentioned above, the *Hērbedestān* and *Nērangestān*).

This separation of texts dealing with purification matters and the ritual and religious service from those concerned with legal subjects corresponds roughly to the distinction made in Pahlavi texts between two different groups of sins or misdemeanors, called *wināh ī ruwānīg*, "sins pertaining to the soul," and *wināh ī hamēmālān*, "offences regarding opponents."[17] These terms indicate that religious law was divided according to the two main fields of priestly work, regulating

(1) offences against religious prescriptions, including purification rules, the ritual and moral sins (including sins against beneficent animals; *wināh ī ruwānīg*);
(2) offences directed against other members of the community (*wināh ī hamēmālān*).[18]

It seems that it became necessary at some point to distinguish between two main categories of law, that is between religious prescriptions pertaining to purification rules and moral matters, on the one hand, and jurisprudence proper, on the other, thus paving the way for the development of law as a more or less independent discipline. In the centralized state of the Sasanian period it had even become a necessity to disengage the *practical* work (called *kardag*)[19] of jurists and the courts to a certain degree from the theoretical work (called *čāštag*) of theologians and jurisconsults, because of several reasons that I can only indicate here.

First of all, the social and political situation had changed completely since the time of the creation of the Avestan texts many centuries ago, and the ancient sources of law could not provide adequate answers for all the legal problems and disputes that occupied the courts in the huge Sasanian empire, although the exegesis of Avestan texts remained the *theoretical* basis for all legal work.

Secondly, it was not in the best interest of the sovereign and other powerful descent groups, belonging to the nobility, to leave the entire judicial power in the hands of the clergy. This led to the development of a court system in which not only priests and members of the clergy were active as judges, but also to a large degree state officials who had no function in the religious hierarchy. Theology

[17] Defined in the *Frahang ī ōīm* as follows: *FīŌ* 25a: *wināh ī andar mardomān wināh ī hamēmālān ān ī abārīg wināh ī ruwānīg xwānīhēd.* "Offences against people are called 'sins regarding opponents.' Other (offences) are called 'sins pertaining to the soul.'"

[18] On these two categories see Macuch 2003, 172–174, with further references.

[19] Lit. "(legal) practice," refers specifically to a procedure in court which diverged from theoretical considerations and hence did not strictly follow the acknowledged "doctrine" or theoretical "teaching," called *čāštag,* of theologians, jurists, and legal authorities. See Macuch 1981, 146–149 (no. 1), and for attestations Macuch 1993, 717–718.

and jurisprudence remained entwined on a theoretical level, and members of the priestly class continued to occupy the most important positions in the legal system, but they were not the only officials engaged in jurisdiction. According to the Sasanian Lawbook there were four types of judges with the title *dādwar,* who were not priests but state officials engaged in the daily work of the courts. Two were employed in different stages of appeal: the "lesser" or "junior judge" (*dādwar ī keh*) and the "greater" or "senior judge" (*dādwar ī meh*). The former presided over the court of the first instance, whose judgment could be overruled by the "senior judge" if one of the disputing parties in a civil case did not agree with the decision of the first court and gave notice of appeal.[20] The other two officials bearing this title were called *dādwar ī pēšēmāl,* "judge of the plaintiff," and *dādwar ī pasēmāl,* "judge of the defendant." These titles indicate that it was possible to submit a dispute to arbitration, a procedure that is still used in resolving conflicts under civil law in our own age. Although the terms are not explained, the construction leaves no doubt that these judges were chosen by the plaintiff and the defendant and that they were engaged as arbitrators with the duty to reach an agreement between the disputing parties (see also below).[21]

The officials called *dādwar* were engaged in lower instances, whereas religious dignitaries, the *rad* and the *mowbed,* presided as judges in the courts of appeal up to the highest court, led by the Chief *Mowbed,* the *mowbedān mowbed* himself. Besides having a higher place in the judicial hierarchy, the *rad* and the *mowbed* were responsible for judgment in matters relating specifically to Zoroastrians, such as the appointment of a "proxy" (*stūr,* see above) and the management of fire foundations.[22] A litigant who did not agree with the judgment of the "lesser judge" (*dādwar ī keh*) could appeal to the "higher judge" (*dādwar ī meh*), and from there to the *rad* and *mowbed*, up to the Chief *Mowbed.* Besides the Chief *Mowbed* another high official, the *šahr dādwarān dādwar*, "the Chief Judge of the State," is also mentioned, whose competences are not described, but who must have been the head of judges (*dādwar*) employed by the state.[23] The king himself could preside over criminal cases involving apostasy and high treason and had the right to dictate the sentence, according to the acts of the Christian martyrs.[24] That capital punishment was exclusively carried out on "command of the king" is also reflected in the Talmud: in *Berakhot* 58a a Jew who has been lashed because of intercourse with a gentile woman complains to the government that he has been condemned illegally without a *hrmnʾ dmlkʾ,* "command

[20] *MHD* 3.6–8; Macuch 1993, 56–57; *MHDA* 12.12–13; Macuch 1981, 141.

[21] *MHDA* 13.15–16, Macuch 1981, 142; on these two categories of *dādwar* see Macuch 2002b, 84.

[22] On the competences of *rad* and *mowbed*, see especially *MHDA* 26.7–27.4; Macuch 1981, 189.

[23] Macuch 1993, 652.

[24] See Wiessner 1967, 162–163.

of the king," an expression using the Iranian term **hramān,* "command, order," a Parthian word corresponding to MP *framān.*[25] The whole legal system reflects an organization based on the distribution and balance of power between the Mazdean church and the Sasanian state, allowing these two important constituents of the Iranian empire to control and check each other, preventing the accumulation of judicial power in a single hand.

Besides the courts of the state, other older forms of jurisdiction still existed in the Sasanian period. As I have tried to show elsewhere, originally four different methods of taking legal action were known, which must have survived from the very beginnings of Zoroastrian law.[26] These are described in the *Dēnkard* (*DkM*) as follows:

> 693.16–20: *andar sāmān ī gōwišnīh ˇnihād 4 ēwēnag pahikārišn ī ǰud sāmān ud ǰud ēwāz ī ast ō pahikār-radīh ō rad ī xwēš ō any weh mard čiyōn az-iš 3 abāyišnīg hēnd ō-iz [ō] ˇgugāyān* (*ms.: gugāyīh*).
>
> Within the frame (of legal action) taken by speaking (there are) four forms of dispute with various settings and different utterances as follows: (one may resort) to the judicial dispute (*pahikār-radīh*); to (the dispute in the presence of) one's own judge (*rad ī xwēš*)*;* to (the one before) other righteous men (= Zoroastrians) of whom three are necessary; to (the one in front of) ˇwitnesses.

According to this remarkable passage we may distinguish four methods of carrying out disputes (in the reverse sequence):

> (1) The dispute in the presence of witnesses (*ˇgugāyān*), who acted as mediators and arbitrators. The task of the "witnesses" was to conduct negotiations between the opponents and help them reach a consensus.
> (2) The dispute carried out before at least three "good" or righteous men (*weh mard*), i. e., Mazdeans, who could act as arbitrators or mediators in a conflict carried out according to Zoroastrian law.
> (3) The dispute in the presence of an individual's "own judge" (*rad ī xwēš*). The *rad ī xwēš* was a religious and spiritual master who had been chosen by the individual as his personal moral guide, and who had authority and jurisdiction over the community in which the offended person lived.[27] The *rad ī xwēš* could also be an arbitrator who was chosen by one or both conflicting parties and had the legal competence to settle a dispute.[28]
> (4) The "judicial dispute," called *pahikār-radīh,* i. e., legal proceedings against an opponent in the presence of a judge, corresponding in the Sasanian period to litigation in court, as described above.

The three first cases describe proceedings that were not carried out in state courts but on a lower level, in the communities in which the opponents lived. These are

[25] Neusner 1966, 32–33.
[26] Macuch 2002b, 83–84.
[27] Cantera 2003, 28.
[28] Macuch 2002b, 84.

ancient methods of solving disputes also known in other legal systems. It was in the interest of a settled community whose members were dependent on each other to avoid strife and violence over a long period of time. The simplest solution was for the conflicting parties to negotiate with one another in the presence of witnesses (no. 1 above). In the case of a vehement dispute or feud, mediators or umpires had to be engaged, consisting of "three righteous men" (no. 2 above). Instead of these, or in cases where the mediators were not successful in ending the strife, the "personal *rad*," the moral guide of the opponents in the community, could be engaged as judge (no. 3). If none of these measures were successful, the dispute could be taken to a higher instance, to an official judge of the state, a *dādwar*, and – as we may add – beyond the *dādwar* to the highest possible courts of appeal, involving the *rad* and *mowbed*, up to the Chief *Mowbed* and Chief *Dādwar*.

Despite its exactly organized administration, the Sasanian legal system left enough room for different forms of jurisdiction in the diverse communities of the huge empire. The vast material on the legal work of the rabbis and Jewish courts in the Talmud seems to confirm that Jews had autonomy to a comparatively large extent in certain areas. Neusner distinguishes three main fields in which Jewish jurisdiction was involved: (1) regulations concerning only the Jewish religion (matters of ritual, dietary and sexual taboos, proper observance of religious rules, and so forth) which had no impact on public policy; (2) law concerning the economic, social, and political welfare of the community; and (3) rules relating to the relationship between the Jews and the government (such as the collection of taxes and the regulation of land ownership).[29]

As already mentioned, Jewish courts did not deal with severe capital cases, such as manslaughter or murder, but they did pass judgment in minor cases involving injury to persons and damage to property, including petty crimes such as theft.[30] Despite the fact that Jewish courts had no jurisdiction over capital crimes, the rabbis were fully acquainted with the Iranian procedure in these cases. The transmission of an Iranian legal term in the Talmud indicates that the rabbis knew how a criminal trial was conducted in a Sasanian court and were acquainted with the correct technical terminology. In *Gittin* 28b the expression *pursišn-nāmag*, "record of investigation," is employed correctly in the context of criminal law to denote a court transcript or protocol written in criminal cases, at the end of which the sentence was recorded.[31] Knowledge of the correct term proves beyond doubt that the rabbis knew the procedure exactly, since different expressions were used for court transcripts (such as *saxwan-nāmag*, "record

[29] Neusner 1966, 117–118.
[30] Neusner 1970, 318.
[31] For attestations see Macuch 1993, 727.

of statements," the protocol written in civil cases, or *yazišn-nāmag*, "record of recitation," a transcript of the whole procedure of oath-taking).[32]

We have reason to assume that the Sasanian state did not interfere with the law concerning the religious life of the Jews (except maybe in times of religious persecution), but reacted only in those fields of law involving the interests of the state, especially the proper management of property and the regular payment of taxes. Interestingly, the two areas of law in which the Talmud shows traces of Sasanian jurisprudence by explicitly making use of Iranian legal terminology fit this description. As I have discussed on different occasions,[33] these Iranian technical terms were taken mainly from two fields of law:

(1) the legal language of the Sasanian courts (terms such as *muhraqē wāwarīgānē*,[34] "valid seals" (referring to seals of state officials); or *pursišn-nāmag*,[35] "court transcript in a criminal case";
(2) precisely defined expressions from Sasanian property law that comprise a mass of information in a single word such as *dastwar*,[36] "person having an unspecified title to a certain property" (which does not necessarily include ownership of the substance, *bun,* but could be restricted to the income, *bar,* of the property); or *dastgird*,[37] "estate" (defined as a plot of land of any size that has been cultivated and has access to an irrigation canal, has roads and/or houses built on it, etc.).

These *termini technici* represent exact Iranian legal concepts that were well known to the rabbis engaged in the practice of the Jewish courts. There can be no serious doubt that the Jewish authorities were fully acquainted with the specific requirements of the Sasanian state regarding the Jewish community as well as with Iranian law in general. The work of Jewish courts could well have been integrated into the Iranian legal system in this regard, especially since the Sasanian government relied upon the Jewish administration to maintain peace and order.

I would like to argue that both features of Sasanian law discussed above opened several options for other religious communities within the Sasanian empire, including the Jews. First of all, the division of law into the two categories of (1) religious law, concerned with matters pertaining to the ritual, religious service, and the soul (*ruwānīg*); and (2) the law of opponents (*hamēmālān*), dealing with civil issues and criminal cases, paved the way for the establishment of state courts. In this manner the law practiced in the official courts of the Sasanian state was separated to a certain degree from purely religious matters and moral issues. This would not only have facilitated complaints of non-Mazdeans in an Iranian court of law (though this might have only occurred in exceptional cases),

[32] For attestations see Macuch 1981, 243; 1993, 730.
[33] Macuch 1999, 2002a, 2008, 2010b.
[34] Eruv 62a; Macuch 1999.
[35] Git 28b; Macuch 1999.
[36] 'Arak 28a and Kidd 60b; Macuch 2008.
[37] Git 40a; Macuch 2010b.

but also the adoption of certain Iranian legal concepts regarding property or procedural law into the Talmud. We are in fact informed by a Syriac source that Christians who had judicial disputes against each other could apply to a Sasanian court and be given an official "document of acquittal" (*bwktn'mg;* MP **bōxt-nāmag*), a document exonerating the bearers from certain charges, with the seal of the *mowbedān mowbed.*[38] Secondly, Zoroastrian law had developed in its long history different forms of mediation, arbitration, and jurisdiction, which were practiced outside the official courts of the state. Apart from fellow citizens who could be engaged as mediators, in these cases the "personal *rad*," the spiritual advisor in the community of the opponents, was the main figure with judicial competence, comparable to the Jewish rabbi.

On the lowest level of jurisdiction, the judgment of the rabbi was the equivalent of that of the Zoroastrian *rad ī xwēš,* whose verdict could be contested in a higher Persian court of law. In cases of civil and criminal jurisdiction, an aggrieved party could complain to a higher Persian authority if he did not agree with the judgment given in a Jewish court (as in the case involving corporal punishment in Ber 58a, mentioned above).[39] The balance of power between the Zoroastrian clergy and the Sasanian state, which led to the establishment of official state courts, must have facilitated the integration of Jewish jurisdiction into the Sasanian legal system. Thus Talmudic law could develop in the law schools and continue to be practiced in the Jewish community of Babylonia largely unchallenged by Iranian authorities. This did not prevent Iranian legal ideas from entering into the Talmud, precisely since concepts from the "worldly" law of the Sasanians in the fields of property law and court procedure were *not* linked with Mazdean theology.

Bibliography

Bedjan, P. 1895. *Histoire de Mar Jabalaha, de trois autres patriarches, d'un prêtre et de deux laïque nestoriens.* Leipzig: Harrassowitz.

Braun, O. 1915. *Ausgewählte Akten persischer Märtyrer.* Bibliothek der Kirchenväter 22. Kempten and Munich: Verlag der Jos Köselschen Buchhandlung.

Cantera, A. 2003. "Phl. *xwaddōšagīh* und die Unterwerfung unter die Autorität im (nach) sasanidischen Zoroastrismus." In *Religious themes and texts of pre-Islamic Iran and Central Asia: Studies in honour of Professor Gherardo Gnoli on the occasion of his 65th birthday on 6th December 2002,* edited by C.C. Cereti, M. Maggi, and Elio Provasi, Beiträge zur Iranistik 24, 17–30. Wiesbaden: Dr. Ludwig Reichert Verlag.

–. 2006. "Was ist av. *dāta- vīdaēuua-?"* In *Proceedings of the 5th Conference of the Societas Iranologica Europaea, held in Ravenna, 6–11 October 2003,* vol. 1: *Ancient and*

[38] Bedjan 1895, 233–234; Braun 1915, 200.

[39] Neusner 1966, 32–33.

Middle Iranian Studies, edited by A. Panaino and A. Piras, 53–63. Milano: Edizioni Mimesis.

DkM = Dēnkard, cited according to D. M. Madan, *The Complete Text of the Pahlavi Dinkard.* 2 vols. Bombay: Society for the promotion of researches into the Zoroastrian religion, 1911.

Gershevitch, I. 1959. *The Avestan Hymn to Mithra.* Cambridge: Cambridge University Press.

Gignoux, P., and A. Tafazzoli, ed. and trans. 1993. *Anthologie de Zādspram*. Studia Iranica 13. Paris: Association pour l'avancement des études iraniennes.

Jamasp, D. H., ed. 1907. *Vendidâd: Avesta Text with Pahlavi Translation and Commentary and Glossarial Index*. 2 vols. Bombay: Government Central Book Depôt.

Jamasp-Asana, J. D. M. 1897–1913. *Pahlavi Texts*. 2 vols. Bombay: Fort Printing Press.

Macuch, M. 1981. *Das sasanidische Rechtsbuch "Mātakdān i Hazār Dātistān" (Teil II).* Abhandlungen für die Kunde des Morgenlandes 45.1. Wiesbaden: Franz Steiner.

–. 1993. *Rechtskasuistik und Gerichtspraxis zu Beginn des siebenten Jahrhunderts in Iran: Die Rechtssammlung des Farroḫmard i Wahrāmān.* Iranica 1. Wiesbaden: Harrassowitz.

–. 1999. "Iranian Legal Terminology in the Babylonian Talmud in the Light of Sasanian Jurisprudence." *Irano-Judaica* 4:91–101.

–. 2002a. "The Talmudic Expression 'Servant of the Fire' in the Light of Pahlavi Legal Sources." *Studies in Honor of Shaul Shaked I = Jerusalem Studies in Arabic and Islam* 26:109–129.

–. 2002b. "A Zoroastrian Legal Term in the Dēnkard: *pahikār-rad."* In *Iran: Questions et Connaissances*, vol. 1: *La période ancienne*, edited by P. Huyse. Studia Iranica 25, 77–90. Paris: Association pour l'avancement des études iraniennes.

–. 2003. "On the Treatment of Animals in Zoroastrian Law." In *Iranica Selecta: Studies in Honour of Professor Wojciech Skalmowski on the Occasion of His Seventieth Birthday,* edited by A. van Tongerloo, Silk Road Studies 8, 167–190. Turnhout, Belgium: Brepols.

–. 2005 [published 2009]. "The Hērbedestān as a Legal Source: A Section on the Inheritance of a Convert to Zoroastrianism." *Iranian and Zoroastrian Studies in Honor of Prods Oktor Skjærvø = Bulletin of the Asia Institute* 19:91–102.

–. 2007. "On the Legal Nasks of the Dēnkard." In *Religious Texts in Iranian Languages. Symposium held in Copenhagen May 2002*, edited by F. Vahman and C. Pedersen, 151–164. Copenhagen: Det Kongelige Danske Videnskabernes Selskab.

–. 2008. "An Iranian Legal Term in the Babylonian Talmud and in Sasanian Jurisprudence: *dastwarīh.*" *Irano-Judaica* 6:126–138.

–. 2010a. "Legal Constructions of Identity in the Sasanian Period." In *Iranian Identity in the Course of History. Proceedings of the Conference Held in Rome, 21–24 September 2005,* edited by C. G. Cereti, Orientalia Romana 9, 193–212. Rome: Istituto Italiano per l'Africa e l'Oriente.

–. 2010b. "Allusions to Sasanian Law in the Babylonian Talmud." In *The Talmud in its Iranian Context,* edited by C. Bakhos and M. Rahim Shayegan, Texts and Studies in Ancient Judaism 135, 100–111. Tübingen: Mohr Siebeck.

MHD = (*Mādayān ī*) *Hazār Dādestān,* cited according to J. J. Modi, *Mâdigân-i-Hazâr Dâdistân.* Photozincographed facsimile with an introduction by J. J. Modi. Poona: Trustees of the Parsee punchayet from the Victoria jubilee Pahlavi text fund, 1901.

MHDA = (*Mādayān ī*) *Hazār Dādestān,* cited according to T. D. Anklesaria, *The Social Code of the Parsees in Sassanian Times or Mādigān i Hazār Dādistān*, Part II. Bombay, 1912.

Neusner, J. 1966. *A History of the Jews in Babylonia*, vol. 2: *The Early Sasanian Period.* Studia Post-Biblica, edited by P. A. H. de Boer. Leiden: E. J. Brill.

–. 1968. *A History of the Jews in Babylonia*, vol. 3: *From Shapur I to Shapur II*. Studia Post-Biblica, edited by P. A. H. de Boer. Leiden: E. J. Brill.

–. 1970. *A History of the Jews in Babylonia*, vol. 5: *Later Sasanian Times*. Studia Post-Biblica, edited by P. A. H. de Boer. Leiden: E. J. Brill.

The Transmission of Knowledge

Abraham Winitzer

Assyriology and Jewish Studies in Tel Aviv: Ezekiel among the Babylonian *literati**

I. Introduction

Notwithstanding Psalm 137's *cri de cœur*, it is evident that the Judeans exiled by Nebuchadnezzar II carried on "by the rivers of Babylon" with what could be described as a remarkable normality. This much is apparent from biblical and extrabiblical sources alike, which testify to the expected processes of acculturation and assimilation by this earliest Jewish community and make it clear that on matters concerning everyday life a robust exchange took place in the Mesopotamian heartland between Jews and Babylonians. But what of discussions of the more erudite sort? Did Jews participate in scholarly versions of those more mundane conversations?

By and large, of course, these questions have been answered in the affirmative by the Hebrew Bible's historical study over the past century and a half. This research has demonstrated indisputably that Israel drew from learned traditions of the ancient Near East, with her own writings appearing at times to be engaged in head-on theological disputations with Near Eastern counterparts. And yet precisely here is where one (in)famously runs into trouble, specifically with respect to questions of parameters. For when it comes to the "wheres" or "whens" of such conversations – those evinced, say, by way of the biblical version of the Gilgamesh Epic's flood narrative or the Covenant Code's knowledge of Mesopotamian law collections – biblical interpretation must resort to models frequently deemed unsatisfactory. In no small sense, then, the formidable obstacles presented in the attempt to isolate the specific *loci* of intercultural exchanges

* In addition to participants in the conference that begat these proceedings, it is a pleasure to thank Sam Boyd, Yoram Cohen, Ronnie Goldstein, Wayne Horowitz, Michael Jursa, Laurie Pearce, and Eugene Ulrich for discussing with me problems dealt with in this paper, and especially David Vanderhooft, who made available to me his important forthcoming work on Babylonian influences on Ezekiel. I would also like to express my gratitude to Andrew Geist, Joseph Khalil, Anthony Pagliarini, and Michael Stahl, students in the most recent offering (Spring 2011) of my advanced Hebrew course on Ezekiel at Notre Dame, for their insights on various matters discussed herein. Text-critical matters pertaining to Ezekiel follow M.H. Goshen-Gottstein and S. Talmon, *The Hebrew University Bible: The Book of Ezekiel* (Jerusalem: Magnes, 2004). Abbreviations and sigla herein follow those of *The Assyrian Dictionary of the Oriental Institute of the University of Chicago* (*CAD*) and *The SBL Handbook of Style*.

still define the very field of biblical studies. And thus the question above, if a bit more refined, still remains. Can we, therefore, pinpoint some such scholarly conversations to a specific time and place – say, to the encounter alluded to in this volume's title?

The present paper reflects an attempt in this direction. Specifically, it turns its attention to one instance that holds special promise in this respect: the writings attributed to Ezekiel, a priest who, according to the biblical book bearing his name, prophesied in Babylonia in Nebuchadnezzar II's day. We can be a bit more specific in this respect, assuming, that is, that our understanding of the dates given in several of the chapter headings in the book holds.[1] If so, then the picture arrived at for the dated prophecies is that of roughly a twenty-year span, from 593 to 573 BCE.[2]

In terms of location, eight times the prophet identifies "the Kebar canal" (*nĕhar kĕbār* [1:1, 3; 3:15, 23; 10:15, 20, 22; 43:3]) as either the site of his early vision or his location and/or destination. A few first-millennium administrative documents from Babylonia mention a canal named *Nār Kabari* (i. e., the Kabar canal) in the Nippur region,[3] interestingly, not too far from the apparent area of *āl-Yahūdu*,[4] a town of exiled Judeans in Babylonia.[5] A place called *Til-Gabbāri*, "Mound of Gabbara," appears in such contexts too, perhaps also in the vicinity of Nippur.[6] Yet other such texts attest to the same canal name, and even of another (?) place name *Bāb-Nār-Kabari* ("Gate of the *Nār-Kabari* canal") in proximity to well-known cities in different regions, which has prompted one scholar not long ago to posit the existence of several canals called *Nār Kabari*.[7] A more likely solution is now suggested by Caroline Waerzeggers, who explains that the (still-unlocated) *Nār Kabari* canal figured as the major commercial travel route from Babylonia to Susa in this period, connecting directly to the Babylonian waterway system and accessible from different locations.[8] As such the mention of *Nār Kabari* in connection to different locations is understandable, though this does not aid in determining Ezekiel's precise setting.[9] Still, the bibli-

[1] See Freedy and Redford 1970; Lemaire 1986.

[2] For a convenient tally of the dated prophecies, see Greenberg 1983, 8.

[3] Zadok 1985, 373.

[4] See tentatively Pearce 2011, 270.

[5] For a tentative word on which, see Pearce 2006; also Joannès and Lemaire 1999; Abraham 2005–2006, 2007; and cf. Lambert 2007, esp. 204–205, for a dissenting opinion on this town's name. A thorough treatment is expected in the publication of the texts from this site in Pearce and Wunsch, forthcoming, and Wunsch, forthcoming.

[6] Zadok 1985, 309–310.

[7] Zadok 1996, 727.

[8] Waerzeggers 2010a, 804.

[9] Moreover, along with *Til-Gabbara* and *Bāb-Nār-Kabari*, one can imagine that √*kbr* or √*gbr* figured in other place- (and perhaps river-) names still. But see the optimistic note concerning the expected further study of Babylonian commercial travel routes in Waerzeggers 2010a, 804, n. 103.

cal text not only affirms that this was situated in the land of the Chaldeans (1:3) but elsewhere (3:15) mentions a specific settlement called or, more accurately, vocalized *tēl ʾābîb*.

Admittedly these clues to Ezekiel's date and setting are not much, though in a sense the combination of their specificity and parenthetical nature offers a greater measure of credibility than might otherwise be the case. And the external evidence that has thus far trickled in from the Yahūdu materials enhances things considerably, providing a picture of a thriving and assimilating Judean community in Babylon, of the sort discernible from the anxieties in writings of the exilic prophets, Ezekiel among them. In this light the prospects of a Judean priest prophesying to a Judean community in early sixth-century Babylonia should not surprise us; nor should the possibility of his message falling under the sway of the Babylonian world seem astonishing. In fact, the following presents new evidence of the incorporation of Mesopotamian learned traditions in this early Jewish text, evidence that further underscores exilic Babylon as an important time and place for early scholarly conversations between Jews and their Near Eastern neighbors.[10] More specifically, it demonstrates how Judean Babylonians incorporated Babylonian lore in the creation of their own literature, and, in so doing, developed their own burgeoning sense of identity.

II. Babylon in Ezekiel: Introductory Matters

The idea of Babylonian knowledge in Ezekiel is not new. To the contrary, as many have noted, few biblical books match Ezekiel in terms of familiarity with Babylonian experience. This is already evident at the linguistic level,[11] where one finds calques and loanwords of various sorts and even borrowed idioms, suggestive of contact in different registers of interaction. Some examples follow (Table 1):[12]

Table 1: Miscellaneous Akkadian Loanwords and Calques in Ezekiel

Hebrew	Akkadian	Akkadian Meaning	Citation in Ezekiel
(*tl*) *ʾbyb*	*abūbu*	flood (mound)	3:15
ʾylym	*awīlū*	men	17:13; cf. 31:11
ʾmlh lbt(*k*)	*libbāti malû*	fill with anger	16:30

[10] For a justification of the labels "Jewish" and "Jews" in this context, see below.

[11] For some general treatments of this topic from the past generation, see Garfinkel 1983; Gluska 2005.

[12] In addition to the bibliography mentioned in the previous note, the following builds on Waldman 1984; Mankowski 2000; Hurowitz 2002; Tawil 2006, 37–40; 2009 (with caution); Vanderhooft, forthcoming.

Hebrew	Akkadian	Akkadian Meaning	Citation in Ezekiel
ʾškr	*iškaru*	(work) assignment, staples, materials	27:15
ʾtyq	*mētequ/etēqu*	passage/to pass	41:15 + 3×
brmym	*burrumu*	speckled/multicolored	27:24
dny[1] (*yyn*)	*dannu*	(wine) vat(s)	27:19
zrym	*zāʾirū*	enemies	7:21 + 3×
ḥblh	*ḫubullu*	debt, interest-bearing loan; interest	18:7, cf. 18:12, 16; 33:15
yrʾh	*puluḫtu*	fearsome majesty	1:18
kllw[13] (*ypyk*)	*kullulu*	adorn, crown	27:4
mkl(*w*)*l*	*makla/ulu*	a type of garment	23:12 + 2×
ndnym	*nudunnû*	dowry	16:30
nḥšt(*k*)	*nuḫšu/naḫšātu*	abundance, plenty/genital outflow	16:36
ṣwrh	(*u*)*ṣurtu*	plan, blueprint, model	43:11[4×]
qbl(*w*)	*qablu*	warfare, battle	26:9
qnh hmdh	*qan middati*	measuring reed	40:5 + 5×
qrwbym	*qurbūtu*	(body)guards	23:5
śḥyp	*siḫpu*	cover (of implements)	41:16
ššr	*šar/šserru*	red clay/paste	23:14

A good number of these and other such terms represent *hapax legomena* in the biblical text – Ezekiel being disproportionately well represented in this respect[14] – that are readily explicable in an Akkadian context. Thus, for instance, the technical **nḥšt* (MT: *nĕḥuštēk* [16:36]), conveying the excesses of Jerusalem's harlotry, surely corresponds to some congener of Akk. *nuḫšu*, a common lexeme for "abundance, plenty."[15] Similarly, the difficult and difficultly vocalized *qblw* (MT: *qābāllô* [26:9]) with which Nebuchadnezzar is said by

[13] Note also Tyre's description as *kĕlîlat yōpî* in the preceding verse (27:3), which almost certainly hints at Akk. *kilīlu*, "circlet, headband, battlements," but also seems to maintain the sense of Heb. *kālîl*, "entire, whole, perfect" (pace Tawil 2006, 37–40; 2009, 165).

[14] See Greenspahn 1980, 17; 1984, 199–200.

[15] As explained by Greenberg (1983, 285–286, with earlier literature), who actually connects the term to the technical Akk. *naḫšātu*, "(vaginal) hemorrhage" (*CAD* N/1, 141–142), and provides for the Hebrew the graphic translation of "juice." This suggestion seems possible but perhaps too specific, since the basic semantic range of Akk. *naḫāšu*, "to prosper, thrive, be in good health" (*CAD* N/1, 133) and its congeners extends to the literal sense of *naḫšātu* only exceptionally. The assumption that Ezekiel had in mind the technical medical term proposed by Greenberg thus seems somewhat dubious, albeit not impossible. A preferable solution may ascribe to the Hebrew prophet a clever, euphemistic use of the Akkadian lexeme's generic sense.

Ezekiel to smite Tyre finds simple explication in Akk. *qablu*, a standard term for "warfare."[16]

Also impressive are the substantial number of lexemes reflecting aspects of daily life and realia. These range from terms professing some exposure to the Babylonian landscape, as with the pre-Hebraized *til abūbi*, "flood mound," on the *Kabari* "canal,"[17] to material goods and their qualifications. A noteworthy example in the latter category is the description of a certain type of fabric as *brmym* (MT: *bĕrōmîm* [27:24]), a *hapax* in Hebrew that is unquestionably a loan from Akk. *burrumu*, "speckled, multicolored," a term frequently applied to fabrics.[18] Most striking perhaps is the number of terms, loans and calques alike, that cumulatively hint at a familiarity on Ezekiel's part with Babylonian legal, administrative, and mercantile terminology.[19] In this category, for instance, belongs the term *ʾškr* (MT: *ʾeškārēkā* [27:15]), which in Ez 27 describes materials returning to Tyre from its trading posts, an acknowledged loan from Akk. *iškaru*,[20] here with the sense of "work materials."[21]

A similar picture appears when one turns to apparent contact with learned elements of Babylonian culture, the focus of this paper. This contention too is not without precedent. Earlier studies have pointed to different elements in Ezekiel with (putative) Mesopotamian origins.[22] Perhaps the parade example appears in the very opening chapter of the book, with its cosmology and the enigmatic *ḥašmal* mentioned therein.[23] In order to appreciate this, a word on Mesopotamian cosmic geography is in order.

---

[16] And note the insistence in Hurowitz 2002, 137 and n. 14, to read also the preceding word, *mĕḥî* as a loan, from Akk. *meḫû*, "storm," rendering *mĕḥî qābāllô* as "the storm of his warfare."

[17] A typical sense of Akk. *nāru*, but not of Heb. *nāhār*.

[18] See *CAD* B, 331–332, esp. 332 b; contra Greenberg 1997, 560.

[19] A more detailed discussion of this point appears in Vanderhooft, forthcoming, which also offers an intriguing proposal for Ezekiel's knowledge of these terms and those describing elements of the daily realia.

[20] E. g., Diakonoff 1992, 184; Greenberg 1997, 555. The possibility put forth by Cohen (1983, 35) and taken up by Block (1998, 70) that this word appears on a Judean ostracon from Kadesh Barnea/Tell el-Qudeirat is intriguing, but the inscription contains barely seven letters (*ʾškrṭbʳyˀ*), and its reading as "good offering" (Cohen 1983, 35 and XIX) and as *ʾškr ṭby*[*hu*] (Cohen and Bernick-Greenberg 2007, 1:250–251) is patently uncertain. Still, the appearance of the word in Ps 72:10 (// *minḥâ*, "tribute") suggests that, even if it was incorporated in Ezekiel as a loan, the word had elsewhere made its way into Hebrew.

[21] A few additional *hapax* terms that appear in Ez 27 to describe aspects of Tyre's mercantile activity, including *ʿzbwn, mʿrb*, and *sḥry yd*(*k*), resonate with Akkadian counterparts even if they cannot – as yet – be considered loans or calques from Akkadian. See especially their discussions in Liverani 1991, 74–79; Diakonoff 1992, 182–188; more recently Lipiński 2004, 135–138 (with additional references).

[22] In addition to those studies noted in the context of the discussion below, some more recent examples include Garfinkel 1987; 1989; Bodi 1991 (but cf. Postgate 1993); Kutsko 2000; Aster 2012, 301–315; and Vanderhooft, forthcoming.

[23] For a word on Mesopotamian elements in this vision, see, e. g., Waldman 1984; Kingsley

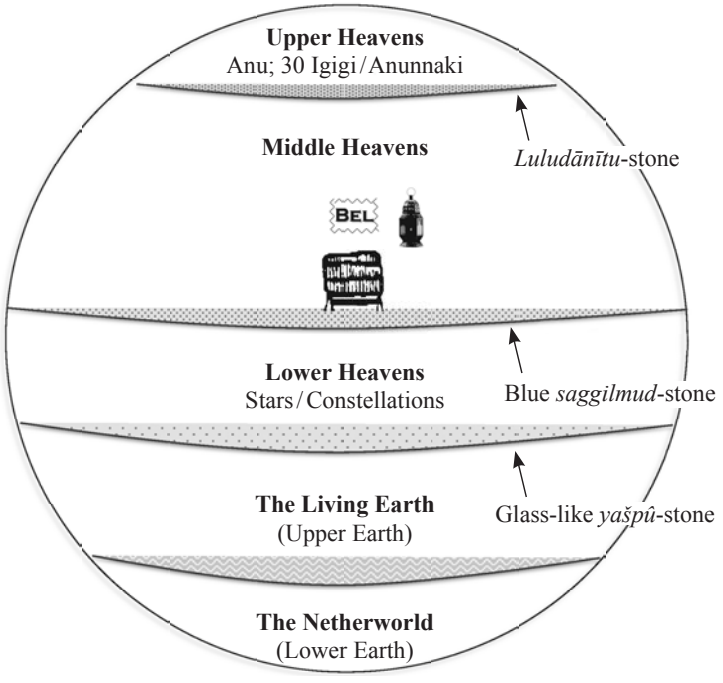


Figure 1: Constituents of the First-Millennium Mesopotamian Cosmos[24]

As apparent in Figure 1, Mesopotamia of the first millennium envisioned the heavens as structured in three levels, the floor of each "tiled" with different stones. Since each floor must have been visible from below (for how else could it be seen?), it follows that the stones of at least the bottom two levels were partly translucent. The sense of this structure is cobbled together from various sources, of which one, *KAR* 307,[25] a theological-mystical text relating to better-known Mesopotamian mythological traditions like those recalled in *Enūma eliš*, provides additional evidence of the significance of this cosmology for our understanding of Ezekiel's vision. According to it, Bēl (= Marduk), chief god of Babylon and honoree of the Akītu festival at which time the *Enūma eliš* was recited, is envisioned as assuming his lapis-lazuli dais in the middle heavens, presumably atop the floor of blue gemstone, wherein he lights an *elmešu*-lamp:

> He (Bēl) sat in the lapis-lazuli dais (*parakki uqnî*); he lit a lamp[!] of *elmēšu* in it.[26]

1992; Greenberg 1997, 51–59 (with references); Uehlinger and Müller Trufaut 2001; Aster 2012, 301–315.

[24] Cf. Livingstone 1986, 81; Pongratz-Leisten 1994, 35–36; Horowitz 1998, xii, 3–17.

[25] Also known as VAT 8917, and edited in Livingstone 1986, passim; 1989, 99–102 (text 39).

[26] Livingstone 1986, 82, line 32; 1989, 100, line 32. We read *bu-ṣi*(-<*in*>) *elmēši*, with *CAD* E, 107; Landsberger 1967, 194 and n. 4; Livingstone 1989, 100; Pongratz-Leisten 1994, 16;

As noted by others, this image relates indisputably to the one appearing in the end of Ezekiel's early chariot vision,[27] the theophany that mentions *ḥašmal*, the cognate of Akk. *elmešu*,[28] as shining from the upper portion of the figure, in a lantern of sorts (1:26–27):

> [26]Above the expanse (*rāqiʿ*^{a}) over their (= the vehicle's creatures) heads was the semblance of a throne, in appearance like *sapphire/lapis lazuli* (*ʾeben sappîr*);[29] and atop the semblance of the throne there was a semblance of a human form.[27] From what appeared as his loins up, I saw a gleam as that of amber (*ḥašmal*) – *what looked like a fire encased in a receptacle* (*kĕ-marʾē ʾēš bêt lāh sābîb*).[30]

Intriguingly, a related image describing the Israelite deity's abode atop a brick pavement in the sky appears in Ex 24:9–10:[31]

> [9]Then Moses, Aaron, Nadav, and Abihu, and the seventy elders of Israel ascended; [10]and they saw the God of Israel; and under His feet was the likeness of *sapphire/lapis lazuli* brickwork (*kĕ-maʿăśē libnat has-sappîr*), just like the heavens for clarity.

What appears in the latter half of this paper (§§ VII–X) entertains the possibility that the similarity in this imagery may not be coincidental. To be more precise, it shall be proposed that elements in Exodus's tabernacle narrative (chaps. 25–31, 35–40) proximate to this image and concerning Moses' reception of those heavenly tablets to be housed in the tabernacle's ark not only share important features with Ezekiel but in fact may be derivative of it. The ramifications of this proposal – if it finds acceptance – are considerable, and would further the basic claim made here concerning the place of Babylon in the formation of early Jewish tradition. For not only would it shed new light on the place of Ezekiel and, more broadly, of the biblical prophets in a way presciently anticipated by early modern biblical scholarship,[32] it would also highlight exposure to Babylonian culture as a productive force behind this evolution.

With this in mind, then, let us return to Ezekiel and try to appreciate what it means for this work to convey the Israelite deity in a manner in synch with Babylonian cosmology. Admittedly, elements of this heavenly theophany occur

---

Horowitz 1998, 12 and n. 20 for additional references. For a representation of the alternative reading proposed, see *CAD* B, 349.

[27] E. g., Horowitz 1998, 9, 12, n. 21.

[28] Landsberger 1967, 190–198; pace Parpola 1997, cv, n. 249 (with previous literature).

[29] Reading with MT and the parallel in Ez 10:1, and against LXX, which appears to harmonize this image to that in Ex 24:10 (so Greenberg 1983, 50).

[30] Against others (e. g., Zimmerli 1979, 88) for whom the phrase's omission in LXX is instructive, we take MT as the *lectio difficilior*. On *bayît* as "receptacle" here, see, e. g., *BDB*, 109.

[31] As is well known, another explanation for the blue sky, which derives from *Enūma eliš*, appears in Gn 1, wherein the "expanse" created by the deity holds the heavenly water behind it.

[32] As famously described by Wellhausen already in the introductory pages of his *Prolegomena*. This idea runs against the tendency nowadays to assume more or less automatically that correspondences between prophetic literature and the Torah reflect the knowledge – or worse, the quotation – of the latter by the former.

outside the confines of esoteric literature of the sort quoted above. A case in point is the following passage, interestingly from a collection of (Neo-Assyrian) prophecies, in which the goddess Ištar of Arbela lights an *elmēšu* lamp in the sky:

> I have established your throne below the great heavens. From the golden cella in the midst of the heavens I will watch over you. I will make shine a light of *elmēšu* (*nūr ša elmēši*) before Esarhaddon, King of Assyria.[33]

What is more, references to shining *elmēšu* adorning divinities and their accoutrements appear elsewhere,[34] and thus it can be held that this tradition is not quite as arcane as may first seem to be the case. Then again *elmēšu* hardly seems the talk of the streets either, nor is it accountable in terms of a reaction to imperial rhetoric, even in more recent appreciations of its theological dimensions.[35] Rather, as sensed by later religious speculation, the image expressed by the prophet represents something more esoteric,[36] and thus something that from a historical context must be included among discussions of intercultural scholarly encounters.

The present study, however, cannot pursue this matter in further detail;[37] nor can it comb through Ezekiel in the hope of uncovering every remnant of Mesopotamian learning therein. And yet further qualification of the nature of the broader Babylonian-Jewish encounter as witnessed in Ezekiel does appear necessary for the present purposes, if, that is, something substantive about the quality of this interaction is expected. For this two questions seem of basic significance. The first involves the extent of such contact; the second concerns the application of Mesopotamian learning in its Jewish setting. An elaboration on these matters begins with the following brief example (§ III) and continues, after a word of qualification (§ IV), with a more elaborate case study (§§ V–X).

III. Babylon in Ezekiel: An Echo of Babylonian Scholastics

We begin with a brief example of Mesopotamian learning in Ezekiel. This involves the mention, in the context of one of the prophet's early symbolic acts, of his lying on his left and right sides for stipulated periods of time to mark the extent of Jerusalem's impending siege (4:4–8). According to LXX, which un-

---

[33] Parpola 1997, 7, lines 23–29.

[34] See, e. g., the passages cited in *CAD* E, 107 (a).

[35] Some recent examples of which include Levine 2005; Aster 2007 (but cf. Goldstein 2004); Smith 2008; Frahm 2011, 345–368; Machinist, forthcoming.

[36] As is well known, the place of Ezekiel's vision in later mystical thought has been the subject of a considerable body of scholarly work. For a word on which, see Christman 2005; Schäfer 2009.

[37] We await a future study on the broader Mesopotamian *Sitz im Leben* of Ezekiel's chariot vision.

doubtedly preserves the uncorrupted counterpart to MT's account,[38] these periods are respectively 150 and 40 days, for a total of 190. These figures have long perplexed interpreters, not least owing to the text-critical problems involved in their transmission.[39] Yet a solution is forthcoming when this passage (as with other elements in Ezekiel's magical acts) is approached from the Mesopotamian perspective,[40] in this instance from that civilization's numbering and numerology. Table 2 summarizes the relevant data:

Table 2: Numerical Data concerning Ezekiel's "Days of Siege" Oracle (4:4–8)

	Left	Right	Representations of Totality
Ezekiel (LXX)	150	40	190 (L + R)
Babylonian correspondence	2,30 (= 2 [× 60] + 30)	(.)40 (= 40⁄60 [= ⅔])[41]	60(00) (L × R)
Cuneiform representation			(= šár [60²])

The first of these figures, 150, is immediately recognizable from an Assyriological perspective. This is a standard learned writing for "left" in cuneiform, a cipher (numerical substitute) of the *gematria* type that is represented graphically as 2,30 according to the Mesopotamian sexagesimal (base 60) system.[42] Its counterpart in this instance, 40, represents the reciprocal ($^{1}/_{n}$ [× 60])[43] of 150

[38] Cf. the data offered in the text versions for the number of days Ezekiel spent on each side and the total:

MT: left side: not given; right side: 40 days; total: 390 days.
LXX: left side: 150 days; right side: 40 days; total: 190 days.

Moreover, not only is no value given in MT for the left side but the total of 390 days *precedes* the mention of 40 for the right. For additional arguments in favor of the figures preserved in LXX, both inner- and extrabiblical, see below.

[39] See, e. g., Greenberg 1983, 105–106.

[40] For other such acts and their Mesopotamian context, see, e. g., Uehlinger 1987; Block 1997, 171, 193.

[41] The conception of 40 as ⅔ (of the base integer 60 according to the sexagesimal system) is evident in the name of Utnapishtim's boatman in the Epic of Gilgamesh, Ur-šanabi, the second component of which means "two-thirds." Ur-šanabi's connection to the god Ea, whose symbolic number is 40 (thus ^{d}40 = Ea), is evident from his role in traversing the cosmic ocean that separates Ea's domain of the sweet river waters from their perceived "mouth" (*ina pî nārāti*) in Dilmun. See further George 2003, 149–151. For a new twist on the symbolic sense of 40 in the Epic of Gilgamesh, see George 2007a, 60–62.

[42] See, e. g., Borger 2004, 432 (no. 831); *CAD* Š/3, 267–272.

[43] For a brief word on Babylonian reciprocals, see Friberg 1987–1990, 545. Strictly speaking, the standard reciprocal pair relating to these numbers is 15 and 4. The figures of 150 and 40 thus represent a conflation, attested elsewhere, of sexagesimal-based reciprocals with the decimal system.

(i.e., 1⁄150 [× 60] = 0.40; 40 = ⅔ [× 60]).[44] That a pair of reciprocals should be found in this context may seem initially surprising, though surely not if taken in the context of Mesopotamian scholarly texts, which often resort to the reciprocals of specific integers in various computations.

Consider, for instance, the following passage from the learned esoteric text i.NAM.giš.ḫur.an.ki.a,[45] which sets out to explain the designation of the lunar cycle's seventh day as its (i.e., the moon's) "half crown":

> The 7th day is (referred to as) a half crown (*agâ mašla*, because Akk. *mašlu*, "half," is written logographically as) bar (which recalls by sound the bà [/ba/] value of the sign): EŠ ([lit., 30]) and which also figures in the writing of the moon[-god], Sîn [^{d}30]). (Now) bà (means) "to divide, cut" (also) "a share, half." Half (bà [30]) of Sîn (30) (itself a half of a whole [30⁄60] is) a half of a half. 30 (30⁄60) × 30 ([30⁄60] is) **15 (15⁄60); 15 (15⁄60) × 4 (the reciprocal of 15 is) 60; 60** (is) Anu. He called (*imbi* [< *nabû*] the moon:) *inbu*, "the fruit" (K 2164+, obv. 11'–13').

The passage reaches the number 15 via a manipulation of established philological relationships, something undoubtedly motivated by the equation of the sexagesimal-based figure of 15 with the one producing the corresponding fraction in the 28-day lunar cycle (i.e., 15:60 :: 7:28). It then proceeds to employ the reciprocal pair 15, 4 to "prove" its point: multiplying these figures yields 60, a whole unit according to the sexagesimal system (i.e., 60 = 1[60^{1}]; writ.) but also the numerical representation of the god Anu (60). These alternative conceptions for totality reinforce one another, with the former (1) recalled in connection to the moon's epithet of *inbu*, the lunar "(first) fruit" whose establishment is here credited to Anu (60), god of heavens.

Something of this sort of philological speculation appears at work in the case of the Ezekiel passage, too, which itself approaches the idea of totality from at least two different directions: one, reflecting the biblical instruction, by addition (150 + 40 = 190),[46] the other, standard to Mesopotamian convention, via multiplication (150 x [.]40 = 60[00]). But the passage appears to contain additional variations on this theme. After all, it is difficult to overlook the typological use of 40 in biblical narratives to connote a complete period of time.[47] And it is possible that a similar notion was hinted at from the cuneiform side of things as well, if, that is, the resemblance of the integer 40 ( ) to the sign šár ( ), the logographic writing for *kiššatu*, "totality," was intentional.[48] In all, then, by the representation

[44] This is not, however, the expected counterpart writing of "right," which is 15.

[45] Edited in Livingstone 1986, 17–52.

[46] No doubt this owes to the conception of the symbolic sense of right *and* left as *totality*. For an additional example of this symbolism by the prophet, see Ez 21:21, and note especially the technical sense of *hiṯ'aḥēd* therein; on which, see Greenberg 1997, 425, and n. 83 below.

[47] For a word on which, see Farbridge [1923] 1970, 144–156.

[48] In discussion with Laurie Pearce, we entertained the possibility that the resemblance of the sign for 40 to that of šár might have visually suggested or reinforced the unity implied in

of the right side with the reciprocal of 150, not only is the figures' mathematical unity achieved; the additional symbolism of 40 and its possible wink at the logographic representation of "totality" appears to underscore the point further.

Admittedly, all this assumes a lot. Then again, the sort of speculative philology assumed here fits well within the broader context of the growing place of textual hermeneutics in first-millennium literacy, the biblical prophetic corpus forming no exception. The famous case of the reinterpretation of Jeremiah's 70-year prophecy (*šibʿîm šānâ*, "70 years" [25:11]) by Daniel (*šābūʿîm šibʿîm*, "70 hebdomad [years]" [= 490 years]; Dn 9:24])[49] – curiously, like the Ezekiel passage, this concerns events surrounding the Babylonian exile – makes it clear that, along with other hermeneutic measures, Babylonian-style numerology had found its way into the Hebrew world.[50] Indeed, Ezekiel's description in this passage of the full extent of Jerusalem's looming "days of siege" (*yĕmê māṣôr*) may provide another case in point, since, as recognized long ago,[51] the numerical value of the consonantal *ymy mṣr* adds up to 390, the otherwise inexplicable figure appearing in the MT of Ezekiel.[52]

The matter surely deserves further examination, and all the more so when the significance of the pairing of 150 and 40 as a figuration for totality is recognized from the inner-biblical angle. These, after all, are the figures paired in the alleged versions of the Genesis flood story – another tradition of renowned Babylonian ancestry – for the duration of waters on earth,[53] where they may well represent

---

the mathematical relationship, particularly for those who were not conversant with Babylonian mathematical principles.

[49] For a new and different interpretation of this famous episode, see Segal 2009.

[50] This example, which is admittedly rather late, finds earlier counterparts in the biblical corpus in terms of interests in esoteric textual hermeneutics. These include the cases of *atbash* (substitution cipher) in Jeremiah concerning Babylon (*ššk* for *bbl*, "Babylon" [25:26; 51:41]; *lb qmy* for *kśdym*, "Chaldeans" [51:1]), whose absence in Old Greek Jeremiah has been explained in terms of their place in the later and Babylonian-focused edition of Jeremiah (Steiner 1996). If so, then the possibility of these being prompted by contact with Babylonian hermeneutics must be seriously entertained, even if, owing to the nature of its writing system, a cuneiform version of alphabetic *atbash* is unlikely to be found; see, however, Frahm 2011, 216–217 (with reference), for evidence of interest in reverse writing (retrography) in Babylonian hermeneutics. The supposition in Leuchter 2004 that the *atbash* cases and seventy-year prophecy in Jeremiah derive from a familiarity with the famous case of Esarhaddon's inversion of Marduk's seventy-year prophecy (on which, see, e. g., Hallo 2000; Leichty 2011, 196, 245) – of which no explicit knowledge is attested outside their occurrence(s) in the recensions of Esarhaddon's prisms – is untenable as presented.

[51] Bertholet 1897, 26; more recently, Fishbane 1985, 464, n. 13; Block 1997, 177, n. 62 (with additional references).

[52] This explanation, if it holds, may contain the key to unlocking the crux preserved in MT. Accordingly, the figure of 390 represents an attempt to superimpose onto the figure of 190 a secondary and mystical symbolism based on accepted "Jewish" hermeneutics. How ironic it would be if, as with the *atbash* examples from Jeremiah (see n. 50 above), the source of this wisdom were shown to be Babylon!

[53] Already noted by D. N. Freedman, *apud* Greenberg 1983, 106.

a retrojection of Ezekiel's oracle concerning the most severe historical calamity known to Israel (exile) onto the mythical plane (flood).[54] This proposition, if true, would present a challenge to existing assumptions concerning these figures, though unfortunately the matter cannot be pursued further here.[55] What deserves emphasis in the present context, however, is the appearance at some level of genuine Mesopotamian scholarly lore in the midst of the biblical text.

Of course it may be held that this constitutes no more than an outstanding occurrence, something explicable as a product of a sophisticated scribal play that entered the prophetic work at a (later?) level of textual transmission.[56] Even if so, the matter cannot be ignored, not if a fair assessment of Mesopotamian learning in Ezekiel is hoped for, and with it an improved sense of how to sift the prophet's *ipsissima verba* from secondary interpretive elements – especially if such elements appear to bear hallmarks of Mesopotamian contact as well. But in fact the question of the authorship of the numerical details in Ezekiel's "days of siege" oracle is not settled, and the reworking of the original figures by MT along with the possibility of their appropriation in the Genesis flood story

[54] Amazingly, though perhaps unsurprisingly, Mesopotamia too provides an example of the symbolic correlation of measurements of a detail from the flood story with another from an altogether different tradition of theological significance. This involves the dimensions of Utnapishtim's ark according to SB Gilgamesh's rendition of the flood, which parallel those of Marduk's Etemenanki ziqqurat in Babylon. The matter was ably summarized by George (2003, 512–513), for whom "the fact that both ziqqurat (where the king of the gods resided between heaven and earth) and the ark (which held representatives of all creation) have in common a dimensional scheme" demonstrates an attempt at "cosmic symbolism," in this case one patently striving to convey something about the ultimate channels to the divine sphere and their spatial conceptions.

A comparison of this instance of Mesopotamian mystical speculation with the biblical counterpart highlighted above offers a remarkable example of a major difference between biblical and Mesopotamian worldviews, and does so in a way that recalls another, considerably better-known episode professing to the same relationship. For if the above argument holds, then it would seem as if the Bible's connection of the flood's duration with the Babylonian siege of Jerusalem opts to focus on a *temporal* correlation, and not a *spatial* one, as is evident in the case of Mesopotamia. This preference for time over space is, of course, not a unique phenomenon in biblical theological sparrings with Mesopotamia. The *locus classicus* of this appears in the Genesis creation story (1:1–2:4a) and its preference of the temporal delineation of divinity via the Sabbath over against the spatial metaphor of Babylon – and, indeed, Marduk's temple therein – featured in its parent tradition in *Enūma eliš*. That an oracle from Ezekiel provided fodder for one instance of this development in theological consciousness raises questions about the possibilities of similar such influences elsewhere.

[55] It may be compared, however, with the famous episode in the Mesopotamian and biblical flood stories involving Utnapishtim's and Noah's release of different birds to assess the situation on earth, along with the challenges raised by this parallel for the traditional source-critical breakdown of this biblical narrative.

[56] Consider, as a possible analogue, the dimensions of King Og's legendary iron bed in Dt 3:11, which curiously parallel those of Marduk's bed in the scholarly Esagil Tablet (George 1992, 116–117, line 34). An explanation for this equivalence is difficult to posit, though somehow the matter seems to reflect a secondary exegetical development, a piece of esoteric lore that introduced into an already freestanding tradition a bit of allegorical flair. For a different interpretation, see now Lundquist 2011.

militate against their understanding as a later gloss. Nor can one forget those instances of Mesopotamian influence in Ezekiel pointed to earlier, for as suggested above, those too, on account of pervasiveness and subject, are likely not the simple product of scribal play.

In sum, the presence of traces of Mesopotamian scholarship in Ezekiel seems indisputable, and the variety in the evidence behind this claim impressive in its own right. But a careful approach to the subject demands consideration not only of breadth but also of depth, for ultimately an explanation of such findings must tackle the questions alluded to at the outset of this paper. Namely, what is the context of such transmission? Can the presence of Mesopotamian scholarship in Ezekiel be understood not as a mere secondary or superficial phenomenon but rather as something deep in the fabric of Ezekiel – text and prophet?[57]

An attempt to answer these questions is the purpose of the following, which takes up as a case study an episode relating to the crown jewel of the Mesopotamian literary – and, to an extent, even scholastic[58] – tradition: the Epic of Gilgamesh (EG). In what appears below we contend that Ezekiel knew EG and applied its storyline allegorically in the composition of his oracles. Of necessity the discussion limits itself to one example of what appears to be a broader phenomenon, even though at least one additional instance in which Ezekiel builds on EG could be pointed to, an instance, incidentally, from a section of the epic proximate to one studied below. Yet already on its own the case presented below leaves little doubt about the nature of the Gilgamesh-Ezekiel contact. The apparent reworking of EG in Ezekiel makes the prospect of this being an incidental or extrinsic phenomenon highly unlikely. Rather, this effort appears intrinsic to the very project and thus most probably original to it. In terms of the parameters noted above, then, we contend that the application of a Gilgamesh tradition by Ezekiel bespeaks a meaningful and learned intercultural exchange between Judeans and their host culture, the sort that satisfies the question raised early on.

But there is more. It shall be argued that this exchange played a seminal role in the evolution of the exiled Judean community, with a ripple effect felt far beyond the confines of Ezekiel or Babylon's rivers. One site where such effect may be gauged has already been mentioned. This involves Exodus's tabernacle narrative, and the possibility that elements in it derive, via Ezekiel, from Babylon. This matter is entertained below (§§ VII–VIII), following an initial consideration of the influence of EG on Ezekiel (§§ V–VI). Before turning to Ezekiel, however,

[57] The assumption here that the earliest traditions apparent in the book of Ezekiel stem from a prophet by this name owes less to the depiction of his literacy than to necessity. However, as suggested below (§ VII), the likelihood that the person or persons responsible for the earliest strata of this text was or were exposed to the Babylonian learning academies seems more acceptable than would otherwise be the case.

[58] That is, to the extent that the Epic of Gilgamesh filled the shelves of Mesopotamian libraries and even comprised a part of the Babylonian school curriculum. On the latter matter, see the discussion in Gesche 2000, 148–150, and its summary below (§ X).

a general word on EG and its familiarity in the ancient Near East is in order. We turn to this in the following section (§ IV) and offer there a brief synopsis of the story, towards the point of its culmination, along with an example of its reception outside Mesopotamia.

IV. Ancient Encounters with the Epic of Gilgamesh (EG)

The story of Gilgamesh, the legendary Mesopotamian king, and his encounters and tribulations, is happily well known even outside Assyriology, and thus demands little by way of introduction.[59] The present occasion turns our attention to those events leading up to the story's climactic end. A summary of this long episode, which takes up SB tablets IX–XI, follows.

Gilgamesh, still anguished about the death of his friend, Enkidu, and what this means for his own fate, resolves to reach the legendary Utnapishtim (IX 3–7) in order to discover the secret of immortality. To that end he sets out to Mt. Māšu (IX 37–39), where he encounters the two cherub-like sentries, male and female, who guard there the path to Šamaš (IX 38–47), in a manner recalling images from Mesopotamian glyptic scenes depicting the eastern horizon (Figure 2).

a. Seal impression, 3rd millenium[60] b. Seal impression, 1st millenium[61]

Figure 2: The Background of the Epic of Gilgamesh's "Cherubim."

Gilgamesh tells these figures his plan to embark on the path they guard in order to reach Utnapištim (ca. IX 75–77), which, they assure him, is without precedent (IX 78 ff.). Gilgamesh sets out on this quest nonetheless, and ultimately reaches a wonderland with trees made of precious stones that bear gems in place of fruit (IX 172–ca. 193).

Wandering around, Gilgamesh comes upon Siduri, a tavern keeper at the ocean's shore (X 17–18). He shares with her his torment over Enkidu's death

[59] For which, however, consult George 2003. The following discussion concerns the SB version of the epic, the one that would have been known in first-millennium Babylonian schools.

[60] Boehmer 1965, pl. XXXIII, no. 397; reprinted in Woods 2009, 227.

[61] Amiet 1980, 419 (pl. 95 no. 1246C); reprinted in Woods 2009, 232.

and his own mortality (X 30–34, 47–71), and consequently reaffirms his determination to reach Utnapishtim (X 73–77). Siduri's reply tells him what he had suspected: what remains demands the crossing of the ocean and the Waters of Death (X 79–86) at the world's edge. Yet Utnapishtim's boatman, by chance nearby, also traverses this same ocean; if he is willing to help Gilgamesh, she suggests, things may just work out (X 87–90).

They do. Gilgamesh and the boatman set out for Utnapishtim and reach their destination (X 169–206). Gilgamesh hails Utnapishtim and recounts his sorrow and the purpose of his trip. Utnapishtim wonders why, given Gilgamesh's divine-like body and special throne, he still yearns for more (X 207–218). He then proceeds to tell Gilgamesh the story of the flood – this is in the famous tablet XI of the epic – and the decision by the gods to confer immortality upon himself and his wife in their paradise-island abode. Gilgamesh derives no comfort from any of this. Finally, just as he is set to head back, Utnapishtim suggests to Gilgamesh one last possibility: a magical plant exists in the depth of the ocean they are to cross, which, if attained, could provide his sought-after rejuvenation (XI 281–286). At this Gilgamesh is thrilled, and indeed succeeds in finding the plant (XI 287–300). Yet when he stops to wash up, a snake slithers in and snatches the plant, turns away, and molts its skin (XI 303–307). Gilgamesh, now utterly despondent, returns to his city of origin (XI 308–321).

The story of Gilgamesh's quest to find Utnapishtim and eternal life was certainly the *magnum opus* of Mesopotamian literature. That it was well known in antiquity comes thus as no great surprise.[62] Its *Nachleben* is apparent in traditions ranging far and wide from the classical world to the Islamic, and to Jewish sources as well. An especially impressive measure of this transmission involves the *Alexander Romance* tradition, those myriad tales known from late antiquity through early modern Europe of legends concerning the fabulous exploits of Alexander the Great. The possibility of borrowing by the *Alexander Romance* materials from the Gilgamesh epic (EG) – a putative additional intercultural encounter by Babylon's rivers – was a subject of scholarly interest in the early days of Assyriology, but has seen renewed interest of late, most recently and thoroughly in the work of Wouter Henkelman.[63] Specifically, this concerned the tale of Alexander's journey to the world's eastern edge, several points of which bear undeniable affinity with the just-described voyage of Gilgamesh to Utnapishtim, as evident in Henkelman's analysis, reiterated in Table 3.[64]

---

[62] Pace George 2003, 54–70. For recent examples of scholarship on the transmission of EG to cultures in contact with Mesopotamia, see the following note, to which add Henkelman 2006.

[63] Henkelman 2010, with a summary of the work from the early days of Assyriology; also Horowitz 1998, 102, 106; Woods 2009, 183–185, 199.

[64] Following Henkelman 2010, 335, with minor adjustments, based in part on Woods 2009, 197–200.

Table 3: Babylon's Legacy (1): Gilgamesh in the *Alexander Romance*

Epic of Gilgamesh	*Alexander Romance*[65]
Gilgamesh grieves Enkidu's death, sets off on journey (VII–IX)	Alexander finds dying Darius, ponders about uncertainty of future, grieves king's death, sets off with army
Crosses? mountain passes with lions he battles (IX 8–29)	Crosses ravine-like road through a territory with gorges
Finds terrifying scorpion-men guarding gate to sun (IX 42–43)	Finds terrifying plant-men with saw-like arms and hands
Reaches Mt. Māšu at the rising of sun (IX 37–39)	Reaches sea at the rising of sun
Reaches dark land at the world's edge after a 12 double-hours race against the sun (IX 82–170)	Reaches land of darkness at 12 days distance
Reaches gemstone forest (IX 171–94)	Reaches trees with enormous fruit in forest
Reaches Ocean/Waters of Death at world's end (X 1, 79–86)	Reaches Foetid Sea deadly to all living beings
Reaches island of immortal couple sequestered there by the gods after the flood (ca. X 204–XI 272)	Reaches Land of Blessed/Paradise situated in/behind Land of Darkness / in Foetid Sea
	Alexander comes close to the Fountain of Life but fails to bathe in/drink from it.
Returning from island, Gilgamesh finds rejuvenating plant in the depth of the water but, stopping to bathe in a pool, loses it to snake who rejuvenates (molts) upon eating it (XI 281–307)	*In another version*:[66]
	Alexander returns from India with a magical "fire stone" (*pyrophilus lapis*) with healing powers. But, stopping to bathe in the Euphrates, he loses it to a snake that disappears with it into the river.

It bears reminding that this impressive instance of the transmission of EG outside Mesopotamia is not without parallel – and an equally substantial one at that. Perhaps the most celebrated example of intercultural textual transmission in the ancient Near East involves EG as well. This, of course, is the biblical flood story, which unquestionably builds on the epic,[67] in fact from a section (SB XI 8–ca. 206) within the broader one (SB IX–XI) that furnishes the *Alexander Romance* parallel above.

[65] As encountered in the so-called first *Mirabilia* letter and parallels, on the specifics of which, see Henkelman 2010, 326–334.

[66] See Henkelman 2010, 339–341.

[67] On which, see George 2003, 516–518, who settles the matter concerning suggestions to the contrary.

In this light, it is not implausible to suppose that EG was known elsewhere in the biblical world. Of course the matter cannot rest on supposition alone, nor on the long-held assumption of loose relations between EG and Qoheleth's sense of *carpe diem*,[68] nor even that book's famous three-ply cord (Eccl 4:12), concerning which a direct link to a passage in EG (SB V 76), previously argued, has now reasonably been called into doubt.[69] However this latter question is ultimately settled, the following posits a major instance of Gilgamesh lore in the biblical text, one that remarkably has gone almost unnoted. More striking still, in terms of subject this accords precisely with what one expects to find: a "paradise lost" tradition, which, in the essence of Gilgamesh, concerns humanity's attempts to reach the divine sphere and tap its immortal wisdom.

V. Babylon in Ezekiel: The Epic of Gilgamesh

The tradition in question appears in Ez 28, a chapter containing in its first two-thirds two oracles against the leader of Tyre. Especially in the second of these (vv. 11–19), the passage describing an Eden garden, the text is notoriously difficult, and the following, which offers some new proposals for its understanding, leaves many of its cruxes unsolved. Still we submit that the connection between Ez 28 and EG is compelling, and that this angle may shed new light on some of those questions posed by the text's difficulties. Let us then turn briefly to the text.

In the first part (vv. 1–10) it is the prince of Tyre who is the object of castigation. He has considered himself a god (vv. 2, 6), dwelling in a divine seat in the heart of (the) seas (*lēb yammîm* [v. 2]) and possessing divine wisdom – greater even than that of the legendary Danʾel (v. 3). Yet this faculty he put to use for material gains, which only intensified his hubris (vv. 4–5). For these pretensions he will be punished: "enemies, tyrants among nations" – elsewhere a reference to Babylon[70] – will cut him down, all the way to the Pit, where he will die an inglorious if very human death (vv. 7–10).

In the second part (vv. 11–19) again the Tyrian leader is described, now labeled "king" (v. 11). An ideal of wisdom and beauty (v. 12), he is said to be "in Eden" (*bĕ-ʿēden* [v. 13]), the garden of Elohim (*gan ʾĕlōhîm* [v. 13]), and/or his holy mountain (*har qōdeš ʾĕlōhîm* [v. 14]). In this place he was in fact divine, and "walked about" (< *hithallēk* [v. 14]), perfect in his ways (*tāmîm* [v. 15]) –

[68] Van der Toorn 2001; George 2003, 275, n. 139.

[69] Van der Toorn 2001. The same holds for the possibility of "echoes" of Gilgamesh in the Jacob story in Genesis; on which, see Hendel 1987, 116–121; Hamori 2011.

[70] See Vanderhooft 1999, 125, n. 22. As appears above (Table 1), we take Heb. *zārîm* as reflecting a loan from *zāʾirū*, "enemies," and not merely as "strangers," which is even more compelling in its attestation as definite in Ez 7:21 (see further Block 1997, 266; Tawil 2009, 94). Still, the possibility that the loan was intended to resonate with the common Hebrew sense of the (near?) homonym should not be excluded.

like Noah (Gn 6:9)[71] – amidst this garden, decked with precious and unearthly stones (vv. 12–14). Yet once more wrongdoing and more material dealings inflate his self-image (v. 16), which leads to sin, banishment from this divine space, destruction, and death (vv. 16–19).

The introduction of EG into the discussion of Ez 28 does not break entirely new ground. Others have turned to the epic and its depiction of the magical forest visited by Gilgamesh to help make better sense of vv. 11–19 and what appears to be an analogous gemstone-covered/hedged[72] "Eden garden" described there (v. 13).[73] Amazingly, however, this is where such discussions have typically stopped.[74] Why this is so appears to rest on two broad factors.

First, there is the matter of these oracles' setting. Their subject, Tyre, in pre-Alexandrian times literally in the midst of the sea (see Figure 4a below), is unambiguously situated in the West, as are other details, including the reference to Dan'el.[75] What is more, the passage in question is linked in terms of geography and its discussion of Tyre's trade to both the preceding chapters (26–27), which concern Tyre and its economic prestige, and what follows immediately (28:21–26), an oracle on Sidon. Clearly, then, the connection of this material to real geography cannot be dismissed lightly.

Second, there is the text's breakdown according to formal and generic criteria. As noted, the chapter's opening parts (vv. 1–19) are comprised of two oracles, the latter labeled a dirge. That form critics should rush to this for guidance on this chapter's dissection is understandable, if misguided nonetheless.[76] Along with those details concerning Tyre that connect it with the preceding chapters (e. g., Tyre, "in the heart of (the) seas" [*lēb yammîm*, 27:4, 25, 26, 27; 28:3, 8]; depiction of her commerce [√*rkl*, esp. *rĕkullâ*, 26:12; 27:3, 13, 15, 17, 20, 22^{2x},

[71] Cf. also the mention of Enoch (Gn 5:22, 24), who is also said to have "walked about (< *hithallēk*) with God."

[72] Tentatively we take *mĕsukātekā* in v. 13 from √*skk*, "to cover," rather than from √*swk*, "to hedge about" (so, e. g., Block 1998, 99, n. 49; Callender 2000, 110; cf. Greenberg 1997, 581–582), thus matching this root's appearance in the cherub's depiction just below (vv. 14, 17). Admittedly the opposite may be argued, that is, that two separate roots were brought together artfully and probably intentionally owing to their near homophony (cf. the manner of this chapter's play with homophones of √*ḥll*, discussed below). Happily the matter is not of real significance for the reconstruction proposed here, and in any case the suggestion in Callender 2000, 101 and n. 214, makes good sense that, as is elsewhere the case, these middle weak and geminate roots are variants of one another.

[73] E. g., Greenberg 1997, 582; Block 1998, 115; Callender 2000, 111–112.

[74] Only the brief discussion by Müller 1990 took up the matter further, though it too did not expand on questions concerning the manner by which one tradition may have affected the other in any meaningful way.

[75] But probably not the reference to the divine as *'ēl*, though it is certainly possible that the word was intended to resonate with the name of the Canaanite deity; contra Pope 1955, 61–103; Wilson 1987, 213–214, for whom the figure *is* El, with Ez 28 representing a reworking of the Baal myth.

[76] For a concurrent opinion, see, e. g., Greenberg 1997, 589 (with references).

23, 24; 28:5, 16, 18]), Ez 28 is replete with elements that tie its two opening oracles together. These include the charge of the figure's inflated ego (*gābah lēb* [vv. 2, 5, 17]); references to his extraordinary *splendor* (*yipʿâ* [vv. 7, 17]),[77] beauty (*yōpî* [vv. 7, 12, 17; cf. 27:3]), and wisdom (*ḥākām*/*ḥokmâ* [vv. 3, 4, 6, 12, 17]); the depiction of the netherworld as the "Pit" (*šaḥat* [vv. 8, 17]); and the intricate use of homophones and semi-homophonous roots (√*ḥyl* [vv. 4, 5], √*ḥll* I and II[78] [vv. 7, 8, 9, 10,[79] 16, 18]; √*kll* [28:12; cf. 27:3, 4, 11]). In light of such evidence, the reading of vv. 11–19 as a "mythologized recasting" of the picture conveyed in vv. 1–10 seems more sensible.[80]

Needless to say, this sort of historicization of traditions "external" to Israel, be these legendary or mythic, is nothing new in the formation of Israel's literature. Even for the limited corpus of Ezekiel's oracles this is well known. Such historicization is certainly the case with respect to Canaanite material,[81] though it holds true for Mesopotamian as well. A fine instance of this involves the legendary depiction of Nebuchadnezzar II's performance of extispicy en route to Jerusalem in Ez 21:19–27, a passage that combines real Babylonian technical terminology from that practice with other details foreign to Mesopotamian divination[82] – in a manner recalling the numerical cipher case discussed above.[83] Another involves Ez 31, whose phrasing at times parallels Ez 28, and which applies traditions concerning Assyria and other obvious Mesopotamian mythologems[84] in its condemnation of Egypt. A third such case may involve Ez 32, assuming a

---

[77] On the meaning of this term in its broader conceptual context, see n. 146 below.

[78] The differentiation of Heb. √*ḥll* I (< Sem. √*ḫll* ["to hollow out, pierce"]), "to pierce" (Qal), "slay(ed)" (derived stems)," and √*ḥll* II (< Sem. √*ḥll*, "to be pure" [via *ʾaḏdād*]), "to defile, desecrate," is difficult in Ez 28 – deliberately so, it seems. See further the following note.

[79] MT *mĕḥalĕlêkā*, "your desecrators" (< √*ḥll* II), seems less likely than LXX, which reflects *mĕḥōlĕlêkā*, "your slayers" (< √*ḥll* II); but cf. vv. 16, 18, in which, to judge from their accompanying objects, the verbal forms reflect √*ḥll* II.

[80] So Greenberg 1997, 578. The same case can actually be made more broadly, with Ez 28 as a whole figuring as a fictionalized rendering of the detailed accounting of lavishness and consumption portrayed in Ez 27 (which itself packages historical accounting according to a "celebrative" and ultimately ideological framework [Liverani 1991, 79]) and Ez 26 (which ends with Tyre's descent to the Pit) as well. This sort of dualism is by no means unusual in ancient Near Eastern thought. In fact the earliest attempts to commemorate historic events in the region already demonstrate a commitment to convey things according to these two basic modes, to express "god and king … myth and history, icon and narrative," as described by Irene Winter a generation ago (reprinted in Winter 2010, 37–38). In this respect the Hebrew Bible, with its mutual interest in the two domains of Sinai and Zion, Yahweh and David, is no exception.

[81] See, e. g., Day 1985, 93–95.

[82] Already pointed out in Oppenheim 1977, 209. On real Mesopotamian divinatory traditions in this text and their biblical reworking, see Hurowitz, forthcoming, and in the meanwhile Greenberg 1991, 267–271.

[83] The possibility that along with other traditions in Ezekiel this chapter builds on the Erra myth is explored, with questionable results, in Bodi 1991.

[84] Sensed in part already in Zimmern 1915, 14; cf. Block 1998, 195; Tawil 2009, 3. To be discussed by this author at a future date.

suggestion to read a Mesopotamian myth lurking behind the sea-dragon therein proves correct.[85] Finally, the very mention of "enemies" in v. 7 of Ez 28 suggests that, at the level of its application, the text maintained an interest in Babylon.[86]

What, then, might be some elements in Ez 28 that can be shown to derive from Mesopotamia on the one hand but are adapted for the historical episode of Tyre's siege on the other? The first element involves the figure's bodily perfection, along with his pretensions of divinity and especially of divine wisdom, and his insatiable appetite for more. In this, Ezekiel mocks the king for ranking himself as even surpassing of a legendary figure from most ancient days. The second concerns the paradisiac garden with precious stones, minded by a cherub-like creature. In one instance this place is linked with a cosmic mountain, in another it is placed in the heart of (the) seas. Though these very seas foster income and riches of untold proportions, they are apparently the locus of the Pit as well, a place of death to which the hero is cast. Finally, there is the sobering realization that, no matter his ephemeral illusions, in the end the Tyrian leader will be evicted from the heavenly island, and his divine-like body and mind will experience the quintessential human fate.

In all these matters Ez 28 bears unmistakable affinities to EG, in particular to two sections therein. The first section comprises the epic's opening hymn (I 1–28; concerning which, see § VIII below) lauding Gilgamesh's achievements and unique wisdom. Especially intriguing is the highlighting of the Tyrian figure's intellect by the phrase *kol sātûm lō' ʿămāmûkā*, "nothing closed up *obscured* you" (v. 3).[87] The wisdom-is-depth metaphor that underlies this image is unquestionable and recalls the one comprising *ša naqba*[88] *īmuru*, "he who saw the Depths," Gilgamesh's famous epithet and the epic's very incipit: Ezekiel's *sātûm*, like EG's *naqbu*, echoes its primary connection to physical entities that are blocked up, especially subterranean water;[89] and it is not unlikely that *ʿămāmûkā*, whatever the sense of √*ʿmm* here may be, was intended to resonate with the *nēmequ*, "depth, wisdom" (Sem. √*ʿmq*), whose totality Gilgamesh is

[85] Lewis 1996. This possibility, however, though intriguing, remains uncertain to our mind, owing to the scantiness of the Mesopotamian Labbu myth (on which, see Foster 2005, 581–582 [with references]) and likelihood of its knowledge in first-millennium Babylon. For an alternative interpretation, see, e. g., Day (1985, 94–95) and Batto (1992, 164–166), who read the chapter in the context of Canaanite mythology.

[86] See already Ez 26:7.

[87] Grammatical challenges are here surmountable: the third-person masculine plural verb may take *sātûm* as a collective (so Greenberg 1997, 574; Block 1998, 91) or be read as an impersonal passive (GKC § 144g).

[88] The choice of *naqbu* in EG's opening line follows George 2003, 445 and n. 2, which to our mind settles the matter.

[89] For the secondary, more technical sense of *sātûm*, witnessed in Daniel (also Ps 51:8), see Paul 2004.

said to have mastered.[90] Another such resemblance suggests that the similarity in these portrayals may not be accidental. It involves Gilgamesh's depiction as one who had uncovered the hidden and seen the *niṣirtu*, "secret/treasure" (I 7), a word that recalls by sound, underlying metaphor, and meaning the *ʾôṣārôt*, "treasures, treasuries, treasure repositories" (lit., something confined or restricted), amassed by the Tyrian king (v. 4); the latter feat Ezekiel credits to the king's remarkable wisdom and discernment (*bĕ-ḥokmātĕkā ûbi-tbûnātĕkā*). And there exist additional connections between Ez 28's prince and the figure of Gilgamesh as described in the epic's opening that appear intentional. These are explored in greater detail below (§ VII).

The second section from EG relating to Ez 28 is the one discussed above: the hero's reaching Utnapishtim, across the sea from the gemstone forest and past the cosmic mountain and its cherub-like sentries. That things take place on this paradisiacal island is particularly striking. This is precisely the site of the legendary hero Utnapishtim, whose island abode was where the gods settled this "most-wise" – the exact meaning of Atra-ḫasīs, Utnapishtim's original name (SB XI 49, 197–206) – figure, and whose persona probably triggered the unexpected Dan'el reference, who is here a paragon of wisdom, not justice, and in the heart of the seas.[91] And as with Tyre, the very waters that shelter Utnapishtim's safe haven paradoxically mingle with the Waters of Death, the entryway to the Netherworld.[92]

The idea of this island paradise is, of course, a reflex of the widespread ancient Mesopotamian tradition connecting paradise with Dilmun, modern Baḥrain, in antiquity a fabulously wealthy isle envisioned in the heart of the sea at the world's edge. In Mesopotamian cosmology this real trading post was imagined as beyond the sea, just past the edge of the Mesopotamian *oikoumene*. The first-millennium Babylonian *mappa mundi* (Figure 3) provides indirect testimony of

[90] Beyond the issue of the precise sense of √ʿ*mm* in Hebrew (on which, see, e.g., Zimmerli 1983, 74–75; Greenberg 1997, 574), the matter is complicated by the likely possibility that the choice of this lexeme here was influenced by its occurrence in Ez 31:8. In that verse it is employed in a manner closer to its primary sense – "to overshadow," referring to trees – and in a passage describing an Eden (v. 9) and a "garden of (the) Elohim" (*gan* (*hā*)*ʾĕlōhîm* [vv. 8^{2x}, 9]). As such, it seems legitimate to wonder whether suggestions for its emendation here are not to be taken more seriously. Especially intriguing in this respect is BHS (ad note b), which posits the reading *ʿāmōq mimmekā*, "too deep for you," an alternative that, if correct, would actually be comprised of √ʿ*mq*, like Akk. *nēmequ*.

[91] Even the bit about the snake's stealing of the plant from Gilgamesh, a reflex of which, as noted above, appears in one version of the *Alexander Romance*, entered the biblical Eden, albeit in its Gn 2–3 version, where it supplanted the eagle's molting tradition in Etana and was adapted in novel ways. On which, see Winitzer 2013.

[92] See George 2003, 500–501. On this sort of contrastive duality, which frequently characterizes mythological conceptions of the world's edge and which abounds in EG, see the enlightening discussion in Woods 2009, 196–197.

this point: it too mentions Utnapishtim and locates him in or beyond the sea that circumvents the inhabited world (BM 92687 ob. 9'–10').[93]

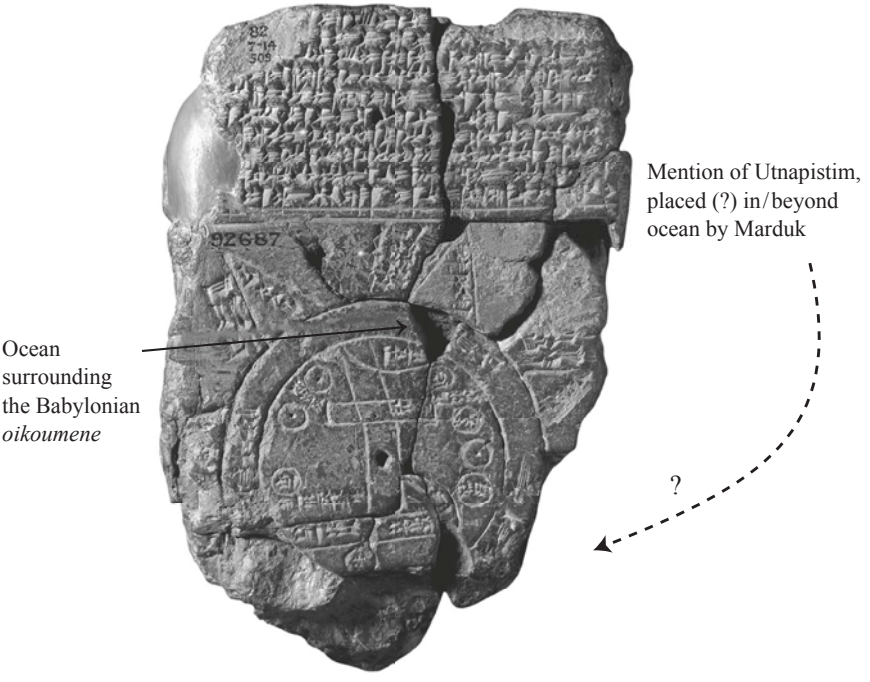


Figure 3: The Babylonian Map of the World[94]

Given its Tyrian and biblical settings, it is obvious that in its present form the text reflects local contexts and particular interests. But in terms of its substratum things need not be the same. In other words, it is plausible that what one finds in Ez 28 reflects the application of an established tradition onto a historical event in the prophet's own day. Naturally this proposition would gain favor if external evidence could be mustered in its support, especially concerning the suggestion of Ezekiel's use of Dilmun and its legends as a prefigurement of Tyre.

This, in fact, appears to be the case. A consideration of the question makes it all but certain that the equation of Dilmun and Tyre was not the brainchild of Ezekiel,[95] nor in all likelihood did it derive from the political exigencies of the day.[96] The tradition associating the two islands – and more generally, the cities

[93] Text edited in Horowitz 1998, 20–42.

[94] Horowitz 1998, 20–42, 406–407. The image is reprinted here with the permission of the Trustees of the British Museum, to whom thanks are offered.

[95] This print is also made implicitly in Rice 1994, 20.

[96] For a review of which, see Kleber 2008, 141–154.

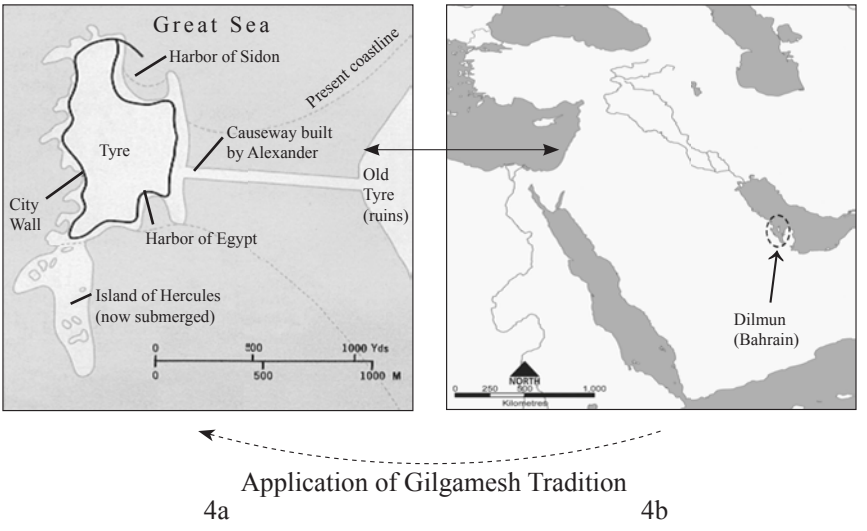


Figure 4a–b: Gilgamesh Historicized

of the Arabian Gulf with Phoenicia[97] – seems too widespread and, in at least one important instance, early in its attestation to stem from one source or even a specific historical moment.[98] This is the sense one gets upon examination of the data from classical antiquity, beginning with Herodotus, who relays the Phoenicians' own tradition of their origins in the Erythraean Sea (*Histories* 7.89).[99]

In all probability Herodotus's suggestion is inaccurate,[100] and, as aptly explained by E. Burrows almost a century ago, must rest on "a misunderstanding of a Phoenician tradition that in Baḥrain was the first home of man, or (more probably) a genuine tradition of the Phoenicians assimilating their own particular origins to those of humanity."[101] In other words, this bit of Phoenician self-understanding feeds on the same lore of Dilmun as primordial place, or more specifically as the "paradise" home of primal or antediluvian man, that

[97] Summarized nicely in Potts 1990, 138–141. For additional evidence of connections between Tyre and Arabia, see Yon 2011, 53–55.

[98] Evidence of the presence in the Mesopotamian heartland of persons from at least one town – Byblos – of what would become Phoenicia in the first millennium appears already in the third; see Owen 1992, 122.

[99] Godley 1971, 3:394–395. Another possible early echo of this tradition comes from Strabo, who, citing Homer (*Odyssey* 4.84), repeatedly places the Sidonians between Ethiopia and Arabia; see Jones 1960–1969, 1:4–7 (§ 1.1.3); 3:186–195 (§ 7.3.6); and esp. 7: 368–373 (§ 16.4.27).

[100] Even though some in the early days of Near Eastern studies and others rather recently accepted it; on which, see Potts 1990, 139–141.

[101] Burrows 1928, 15.

is preserved in several Near Eastern sources, Ez 28 among them.[102] Another significant factor that doubtlessly motivated this equation involves Dilmun's economic prestige from prehistory into the Common Era. Perhaps even more than its rivals along the Arabian Gulf, Dilmun figured as a key partner in a considerable trade network that encompassed such faraway places as Magan (Oman region), Marḫaši (Kerman region),[103] and Meluḫḫa (Indus valley).[104] That the bustling market towns of Phoenicia should have attributed their prominence in the commercial network along the Mediterranean littoral and beyond[105] to an Arabian Gulf ancestry thus seems entirely understandable, as is the specific association of Dilmun and Tyre. Viewed in this light, the matter of this tradition's verisimilitude becomes essentially immaterial.[106]

A curious development witnessed in the Hellenistic period buttresses this point. Testimony reportedly going back to Alexander's day refers to the main island of Baḥrain and its tiny off-lying neighbor, modern Muḥarraq, as Tylos (later: Tyros) and Arados (or Tylos *minor*), respectively.[107] Arados reflects the Greek rendering of Arwad, the Phoenician island town opposite the Mediterranean coast near Tartus. Tyros, even in its earlier spelling of Tylos, appears to preserve a form of Tyre,[108] though the origins of these names still elude us.

---

[102] For another, see Qur'an, Sura 18 (Al-Kahf).

[103] On the identification of Marḫaši in Kerman (Iran), see Steinkeller 2012.

[104] On the history of the toponym Meluḫḫa, see briefly Heimpel 1993. For a flavor of the prestige associated with goods from Dilmun, see Marchesi 2011, 194–195.

[105] On the biblical portrayal of this economic network, see Liverani 1991; Diakonoff 1992; Lipiński 2004.

[106] At least, that is, insofar as one still finds wisdom in the famous reflection on the latter question in Huizinga 1936, 9.

[107] See briefly Potts 1990, 125–127.

[108] See, e. g., Grainger 1997, 791–792 (with references). The suggestion that Tylos represents a corruption of Tilmun (via an *m/w* labial shift), adopted in Potts 1990, 127 (also Salles 2000, 132), is less convincing, since among other challenges it accounts neither for the loss of the **w* (**Tylwos* > *Tylos*) nor for the disappearance of the final *-un*. In fairness, Potts's judgment appears influenced by the awareness of another Tyre (*Ṣur*) in the Arabian Gulf, along with one Jubayl (= Byblos) nearby (Potts 1990, 139, n. 218, 141), as well as the assumption that the record of a Thilouana (Θιλουανα; Syr. *Tlwn*), a second-century GN identified as the island of Dilmun/Baḥrain (but cf. Zadok, 1981–1982, 139), reflects a form of Tylos (Potts 1990, 146). Yet objections to both counts are not hard to come by.

First, occurrences of multiple places with similar or identical names – regardless of whether these reflect a common origin – is well attested in the ancient Near East, which was thoroughly demonstrated not long ago for the Amorite age of the early second millennium BCE (Charpin 2003). Unquestionably the same holds for later periods as well and rings true in the case of Tyre itself (see Pearce 2011, 271, n. 2). Thus, this factor cannot determine the question. Second, though the GN Thilouana may well go back to that of Tilmun (Zadok 1981–1982, 139), it seems unlikely that the same can be said for Tylos, for the reasons spelled out above (so too Zadok, personal communication). We follow Zadok (personal communication), who also doubts a linguistic correspondence between the GNs Tilmun and Tylos and for whom the latter reflects an *interpretatio Graeca*, a common renaming of a GN in the newfound lands of Africa and Western Asia by the Greeks with homonymous GNs back home.

The solution evident in some classical sources (e. g., Strabo, *Geogr.* 16.4[109]) that these derive from some form of Phoenician contact with the Arabian Gulf finds little in its support; in fact, as noted above for the case of Herodotus, more often such contact was imagined in reverse. As regards another possibility, that these represent renaming efforts by Alexander,[110] perhaps upon his contact with Phoenicia proper, the sources are silent.

However this last matter is settled, it seems clear that a long-standing tradition connecting the Arabian Gulf and the Phoenician shore, and more specifically Dilmun and Tyre, existed in antiquity independently of Ezekiel. Whether the origins of this tradition can ever be established remains to be seen.[111] In any event, the possibility that the prophet tapped into it in the construction of his vision of Tyre seems entirely conceivable – even likely.

VI. The Epic of Gilgamesh in Ezekiel: Contextual Considerations (I)

The preceding discussion reinforces the claim that the book of Ezekiel's depiction of Tyre built on existing conceptions of Dilmun by pointing to traditions external to that book which connected legends about these two islands and their settings. On this basis the broader thesis submitted above, viz., that behind Ez 28 stood an EG tradition that was reconfigured to fit the particular events surrounding Nebuchadnezzar II's siege of Tyre, seems more secure, though additional points in its support are presented below.

At present, however, it must be stressed that the claim of a borrowing by Ezekiel from EG does not deny the adaptation of the borrowed material to biblical sensibilities. To do so would be to fall into the sort of parochialism that characterized the pan-Babylonianism or *Babel-Bibel* controversy of the late nineteenth and early twentieth centuries,[112] which essentially held that all that was good in the Hebrew Bible came straight forth out of Babylon, and which did so with little regard to the manner by which intellectual traditions the world over incorporate

---

[109] Jones 1960–1969, 7:303.

[110] As was reportedly the case elsewhere; see, e. g., Arrian, *Anab.* 7.20.6 (Robson 1966, 2:270–277).

[111] One wonders whether this relates somehow to the phenomenon, witnessed in first-millennium Mesopotamian writings, whereby certain, typically older, geographical and group names are recycled and equated with contemporary places or peoples. Thus, for instance, ancient Magan (Oman) and Meluhha (Indus valley) become in the first millennium labels for Egypt and Ethiopia; Ḫani, an early second-millennium designation for a seminomadic group in the mid-Euphrates and upper Mesopotamia, comes to describe Macedonia/Greece; and the *Ummān-manda*, an enigmatic early label for mountainous hordes from somewhere to Mesopotamia's northeast, is appended to the Cimmerians and Medes in the first millennium. For a word on which, with additional such examples, see Tigay 1983, 181–186; Gera and Horowitz 1997, 243–244; Adali 2011.

[112] For a review of which, see Lehmann 1994.

existing raw materials but refashion them according to specific proclivities.[113] The dangers of such reductionism, even if in more refined forms, still crouch at the biblical doorstep, and seem especially real where a borrowing on the part of Scripture from older sources is posited. A word about the challenge presented on such occasions thus seems advisable.

Ironically, an analogy from the study of Babylon itself may help to set the matter straight, one enabled by the employment in Assyriology of yet another water-based metaphor to contend with that field's version of the tension between tradition and innovation. This is the cuneiform "stream of tradition," which conceives of Mesopotamian civilization according to the ongoing transmission and reconfiguration of its scholarly texts as a ceaseless stream.[114] This "stream," which runs through linguistic boundaries and a great deal of time, provides a useful heuristic by which one can approach the issue of the evolution of what would eventually become the story of Gilgamesh's journey to Utnapishtim and its biblical adaptation.[115] Figure 5 offers a scheme of the story's evolution, at least concerning the tradition of the paradisiacal island/garden and its development.

To read it from the inside out, at its core appears a constituent of the so-called Enki mythology of the third millennium[116] evident in a Sumerian myth like Enki and Ninḫursag,[117] whose story is set in Dilmun and tells of the animation of this sleepy island into a bustling and lavish Hong Kong. This is followed by the transformation of this myth (or its like) by the second-millennium Akkadian *Atra-ḫasīs*[118] flood myth and its Sumerian counterpart;[119] in the latter Dilmun reappears as the isle to which its hero, Ziusudra, is sequestered, as an exception to the genocidal flood brought on by the gods. The *Atra-ḫasīs* flood story is in turn interpolated into EG,[120] wherein it is essentially quoted in what is perhaps the

[113] This charge may seem a bit tough, since pan-Babylonianism and the *Babel-Bibel* controversy must be read in the context of the broader intellectual currents of those days, especially the understandable exhilaration of having reached the "bedrock" in the ancient – Semitic/Near Eastern, Indo-European, etc. – worlds of the Judeo-Christian and Western traditions. And yet it is clear that the excesses of both pan-Babylonianism and *Babel-Bibel* were felt in real time, and not only by those protesting the uglier undercurrents beneath these developments. For contemporary critiques of the earlier of these two episodes, see Gunkel [1909] 1977; Toy 1910. To an extent, of course, Benno Landsberger's influential call from 1926 for a "conceptual autonomy" for Assyriology (Landsberger [1926] 1976) itself reflects a rejection of this reductionism, if in the reverse direction.

[114] On which, see Oppenheim 1977, 13–23.

[115] To be clear, this is not the idea's precise sense in Assyriology, in which, as noted above, the focus of the "stream" centers less on belletristic texts and more on those of the scholarly (lexical, divinatory, magical, scientific, etc.) variety, along with their transmission and adaptation.

[116] For a word on which, and in the context of such competing systems, see Hallo 1996.

[117] On which, see Katz 2007; 2008 (with references).

[118] For a bibliography of which, see Foster 2005, 278–280, to which add Lambert 2005, 195–201; Arnaud 2007, 128–130; Cavigneaux 2007; George 2009, 16–27.

[119] Dubbed the "Eridu Genesis" in Jacobsen 1981.

[120] For thoughts on the date of this development, see George 2003, 25, 28–33.

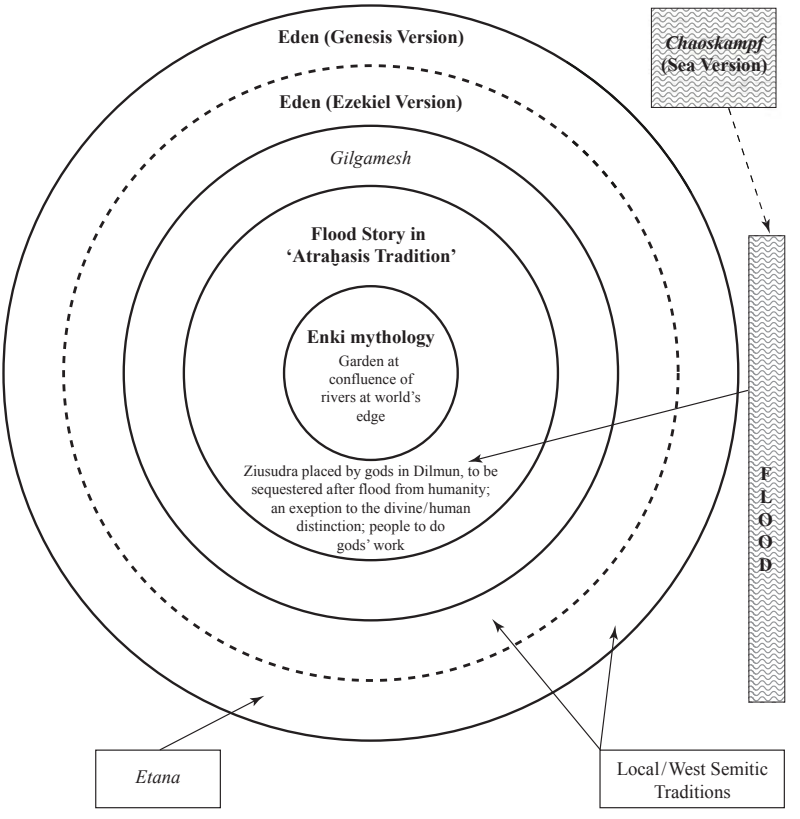

Eden (Genesis Version)
Eden (Ezekiel Version)
Gilgamesh
Flood Story in
'Atraḫasis Tradition'
Enki mythology
Garden at confluence of rivers at world's edge
Ziusudra placed by gods in Dilmun, to be sequestered after flood from humanity; an exeption to the divine/human distinction; people to do gods' work
Chaoskampf (Sea Version)
F L O O D
Etana
Local/West Semitic Traditions

Figure 5: A Scheme for the Prehistory of Eden[122]

supreme case of ancient intertextuality.[121] To be sure, for each of these links the appearance of older material in new dress is impressive in own right, and even more so as a witness to the perseverance of certain elements of Mesopotamian culture. Yet equally significant is the way in which each new turn innovates in accordance with its own assumptions and purposes, and in the end creates no less than it receives.

[121] On which, see Seri, forthcoming, who situates this case within a broader discussion of intertextuality in Mesopotamian literature and offers a thoughtful discussion of this phenomenon in the ancient world.

[122] On the priority of Ezekiel's Eden over that of Genesis (and the origins of both in Babylon), see already Gunkel [1895] 2006, 98. For a word on the introduction of the Etana story into this scheme, and the relationship between EG and Etana, see Winitzer 2013.

Seen in this light, the possibility that an adaptation of the Dilmun-as-island-paradise tradition should make its way into Ezekiel's garden of Eden is not only unsurprising; it is virtually to be expected, insofar as it seems utterly commonsensical to assume that the prophet should make use of an existing and well-established story with contours reminiscent of and thus suitable to his intended goal. To assume otherwise smacks of the reverse of the perils just noted: an unconscious urge for a bit of *creatio ex nihilo* for the biblical narrative, the very antithesis of the framework proposed by the papers assembled in this volume and, one might add, common sense. After all, the "Rivers of Babylon" defining these pages are hardly intended to connote a sense of parochialism, nor in the present instance, and if a mixing of metaphors can be pardoned, the simple debouching of Mesopotamia's tradition's stream. To the contrary, in a real sense this image is elicited on account of its dynamism, and with this the demand for action and creative solutions to unprecedented challenges (Ps 137:4).

Ez 28 represents a case in this point. It would appear that in the formation of the oracles against Tyre the prophet made use of preexisting materials, specifically from the story of EG. And yet such activity is hardly commensurate with passive borrowing, let alone what has been characterized (falsely) as the slavish retelling of the *Atra-ḫasīs* flood story in EG. As observed above, the tradition of Gilgamesh's attempt to reach Utnapishtim and achieve immortality is not borrowed for its own sake in the biblical text. Rather, it is reconceived in keeping with a different sense of emphasis and, indeed, a different understanding of the nature of humanity and its agency in the cosmic order. That the originally immortal occupant of this divine space is *evicted from* it in Ezekiel on account of human folly – the same, of course, holds for Genesis – stands in stark contrast with both Gilgamesh's *foray into* the paradise-isle and Utnapishtim's remaining on it, precisely as an established, legendary exception to humanity's bane. Whether, according to the well-known maxim, this qualifies Ezekiel as a good author or, worse, a great one, is, probably, ultimately in the eyes of the beholder. One might only add that Ezekiel's adaptation of EG to particular notions, some perhaps preconceived, may provide yet another marker of a newly found cultural consciousness, an incipient voice of a fledgling community trying to make sense of the behemoth described by a contemporary witness as that "enduring nation from of old" (Jer 5:15). And if this cannot be called a uniquely Jewish voice – for the connection between human agency and divine will predates Israel[123] – then nonetheless, to the extent that it is in, or better, against, Babylon

[123] A fine illustration of this point is evident in the now-famous letter A. 1968 (accessible in Nissinen 2003, 21–22, no. 2) from early second-millennium BCE Mari. This letter reports to (king) Zimri-Lim the words of a local prophet, according to which the god Adad, having restored political order for Zimri-Lim (an event mythically rendered as the god's defeat of the sea, Tiamat!) now demands of the king proper behavior:

that ancient Tel Aviv finds its footing, it may not be wrong to find in Ezekiel's audience the origins of the shift from the linguistic/geographical "Judean" to the religio-national "Jewish."

Of course this last question concerning the beginning of Judaism, which has seen more than its share of contenders, has defied clear-cut resolution, and it would be foolish to suppose otherwise in the present forum. And yet in one way or another the proposition that the reaction to the cultural exchange engendered by exile contributed to the ushering of a new day for Israel can hardly be denied. A word on one such development – an early form of Jewish studies in Babylonian Tel Aviv – is the subject of what follows.

VII. The Epic of Gilgamesh in Ezekiel: Contextual Considerations (II)

The apparent dependence of so consequential a biblical tradition as Eden – even in its comparatively unfamiliar Ezekiel version – on EG raises questions of various sorts. These include the possibility of further influence by EG on Eden, in both the Ezekiel and Genesis versions of the story, as well as on other biblical traditions. These matters can be treated only briefly in what remains, though it is expected that they will engender further discussion elsewhere.[124]

One place that holds promise in this respect has to do with Ezekiel's depiction of the primordial figure in 28:11–19, before his fall. More specifically this concerns the list of the gemstones appearing in v. 13, those said to have shielded him in Eden. Ever since antiquity commentators have recognized that this list relates to the description of the breastplate to be worn by the high priest in Exodus's tabernacle narrative, since a similar enumeration, far too close in detail for coincidence, appears there as well (28:17–20 // 39:10–13).[125] A comparison of the two lists, with a very tentative understanding of their components' modern identification, appears in Table 4.

Now hear a single word of mine. If anyone cries out for judgment, saying: "I have been wronged," be there to decide his case; answer him fairly. This is what I request of you. (lines 6'–10')

Whether "the real breakthrough" of this idea belongs still to the Bible and its prophets (so, e. g., Malamat 1998, 155) demands reconsideration.

[124] For a recent word on the influence of EG on the Eden tradition in Genesis, see Winitzer 2013.

[125] This interpretive tradition appears to begin with the LXX version of Ez 28:13 (see Table 4), which seeks to harmonize Ezekiel's stones with those from Exodus and inserts gold and silver to boot.

Table 4: The Stones from Exodus's High Priest's Breastplate and Ezekiel's Eden, Compared

Tentative Rendering(s) (Exodus List)[126]	Ex 28:17–20 // 39:10–13	Ez 28:13 (MT)	Ez 28:13 (LXX)
carnelian	1. *ʾōdem*	1' (1). *ʾōdem*	σάρδιον
topaz/chrysolite	2. *piṭĕdâ*	2' (2). *piṭĕdâ*	τοπάζιον
emerald	3. *bāreqet*	3' (6). *yāhălōm*	σμάραγδος
turqoise	4. *nōpek*	4' (10). *taršîš*	ἄνθραξ
sapphire/lapis lazuli	5. *sappîr*	5' (11). *šōham*	σάπφειρος
diamond/amethyst/emerald/?	6. *yāhălōm*	6' (12). *yāšĕpēh*	ἴασπις ἀργύριον χρυσία
jacinth	7. *lešem*	7' (5). *sappîr*	λιγύς
agate	8. *šĕbô*	8' (4). *nōpek*	ἀχάτης
crystal	9. *ʾaḥlāmâ*	9' (3). *bāreqat*	ἀμέθυστος
chrysolite/beryl	10. *taršîš*		χρυσόλιθος
onyx/lapis lazuli/carnelian	11. *šōham*		βήρυλλος
jasper	12. *yāšĕpēh*		ὄνυξ

The implications of this intriguing case of intertextuality and the meaning of the priestly breastplate decked with the stones imagined in Ezekiel's Eden cannot be considered here in great detail.[127] What deserves mention, however, is that at some level an equation was drawn between the primordial man of Ez 28 and the high priest of Israel's tabernacle, as if to suggest that the former was perceived by Ezekiel as an archetype of the latter. This idea works well in the context of Ezekiel's broader sense of priesthood and his vision of the temple as part of a liturgical kingdom of God.[128] It seems sensible indeed to read the Eden/Holy Mountain tradition in Ez 28 as a reflex on the mythical plane of the temple, the divine seat in the earthly realm. This much is evident from Ezekiel itself, which elaborates in chapters 40–48 a vision of a restored temple that is set on a mountain (40:2) and is patently equated with Eden.[129]

From this angle the idea that Eden's gemstones should appear on the breastplate of the high priest in Exodus makes perfect sense. The latter figure is, after

[126] Striving for the *communis opinio*; see further the tabulation in Block 1998, 108–109, on the Ez 28 list.

[127] On which, see briefly Greenberg 1997, 582–583 (with references); Callender 2000, 102–104.

[128] On which, see Levenson 1976, 129.

[129] Levenson 1976, 25–36, esp. 31. Of course the tradition connecting Jerusalem and her temple as the earthly version of Eden extends well beyond Ezekiel; for an initial word on which, see Stager 1999; Hendel 2009.

all, the steward of the mobile divine sanctuary in the days before the temple, which is manifest via the deity's request in the verse immediately preceding the instructions for the tabernacle's construction: "Let them make Me a sanctuary that I may dwell (*wĕ-šākantî* [< √*škn*]) among them" (Ex 25:8), a statement correctly understood by later tradition to suggest that an aspect of the deity itself would reside in this constructed sanctuary. Small wonder that the gemstones' four-row configuration on the high priest's breastplate, said to correspond to the twelve tribal names of Israel (Ex 28:21), should recall the twelve city gates in Ezekiel's futuristic Jerusalem with their similar arrangement and enumeration (Ez 48:30–34). Plainly this correspondence is not accidental,[130] but reflects a conscious effort to tie traditions about the ornamentation near or surrounding sacred space in the cosmic (Eden) or historical (Sinai) *Urzeit*(*en*) with that of Ezekiel's temple at the *Endzeit*.[131]

Thus it should not be surprising to find other elements in the description of the tabernacle's construction in Exodus that resonate with Ez 28. Consider, for instance, the directive to build the tabernacle (*miškān* [< √*škn*]) in Ex 25, which is to be done according to specific instructions. For both the tabernacle and its constituent parts these instructions follow a *tabnît*, a "design" or "model" (25:9). The main feature of this project is, of course, the wooden *'ărôn*, or "chest" (25:10), to be overlaid with gold (25:11). This edifice will house the famous tablets (25:21) inscribed by the deity itself and given to Moses on Sinai, just below (?) the celestial lapis lazuli floor (24:10). Two cherubs will perch atop this chest, their wings spread out, shielding (*sōkĕkîm*) the cover (25:20).

How, if at all, does Ez 28 relate to any of this? A couple of elements seem immediately apparent. These include the mention of the *tabnît*, "design, model, blueprint"[132] (v. 12) along with the shielding (*sôkēk*/*sōkēk*) cherub (vv. 14, 16).

---

[130] Already implied in Levenson 1976, 121.

[131] A point understood perfectly by early interpretation, as evinced in such traditions as Rev 21 and elsewhere.

[132] MT *toknît*, "measurement, proportion," appears once elsewhere in the Bible (Ez 43:10) and makes little sense here as the object of a seal (pace Greenberg 1997, 580; but cf. Tur Sinai 1950, 301). Not much better is the proposed emendation to *taklît* (e.g., Levenson 1976, 25, 35), which – though its meaning "completeness" and root (√*klw*/*y*) would approximate those of *kālîl (*< √*kll*) in this verse – does not match the sense of "perfection" desired here, appears only a few times in late texts, and is unattested in the versions.

By contrast to these options, the reading of *tabnît* works well on orthographic, text-critical, and contextual-comparative grounds. The emendation of *k* to *b* is easily defensible (these letters often being confused), and the translations in almost every version suggest that this is the Hebrew word they read. (Note also the rendering of the conceptually identical *ṣûrâ*, "plan, blueprint" of Ez 43:11 in the versions; on which, see Paul 2005, 762 and n. 25.) On these grounds alone the reading of *tabnît* is to be preferred.

But arguably the strongest argument in favor of this emendation comes from the contextual-comparative angle. According to it, the *tabnît* here reflects unquestionably a mythical form of those blueprints revealed to Moses or David in the contexts of these figures' instruction to build the tabernacle and temple; in this and other respects the *tabnît* is the Hebrew counterpart to the

Initially this cherub is said to be in the company of[133] the divine figure. The latter, for his part, is described as the seal or seal impression[134] of future designs, seemingly, that is, as the instrument (or its image) that will offer creative projects on the mythical plane their necessary stamp of authority.

This image of the seal/seal impression has occasioned considerable speculation[135] but actually finds parallels in similar conceptions from the Semitic and Near Eastern worlds. To the extent that it conceives of the primordial figure as (providing) an authoritative seal to a heavenly blueprint, a comparison may be drawn to Muḥammad's title of *ḫātim an-nabiyîn*, "Seal of the Prophets" (Qur'an 33:40); the latter, from an Islamic point of view, provides a fitting bookend to Ezekiel's "Adam."[136] Of course the idea of the intermingling of an elusive divine logos with a tactile human medium finds its most elaborate expression in early conceptions of Christ, who is described on one occasion as sealed by God (John 6:27), on another as his stamp/imprint (Heb 1:3), and elsewhere explicitly rendered as none other than the second Adam (1 Cor 15). Still closer in time and place to Ezekiel one is reminded of the image of the god Aššur on Sennacherib's Seal of Destinies, the seal Sennacherib would use to ratify documents that subsequently became, on the mythical plane, one and the same as the cosmic Tablet of Destinies (*ṭuppi šīmāti*).[137]

Needless to say, these cases differ from one another in substantial respects, and must (also) be regarded independently of one another to be properly understood. And yet the reflexivity conveyed in them, dizzying though it may be, seems to convey a common notion nonetheless. Moreover, this notion appears to echo Ezekiel's Eden depiction, which in its own right contains a self-referential quality, with the primordial figure simultaneously a representation of a scene

---

Mesopotamian *uṣurtu*/^{giš}ḫur, whose tangible senses ("plan, drawing, model") are accompanied by other, metaphysical understandings ("concept, plan") that are divine in origin (see *CAD* U/W, 290–295; on this term's comparison with *tabnît*, see Hurowitz 1992, 168–170). Ezekiel provides a glimpse into beliefs about the heavenly origins of all such models: this is the sense of the heavenly blueprint and its seal(er) in Eden, a precursor to ideas of heavenly tablets and books in Mesopotamia and Israel.

[133] Lit. "with," reading the consonantal *'t* as *'ēt*, with ancient versions and modern commentators (e. g., Levenson 1976, 25; Zimmerli 1983, 85), and thus avoiding unnecessary emendations or speculative philology.

[134] Reading, with the versions and Zimmerli 1983, 81, *ḫôtam* for MT *ḫôtēm* (though the sense proposed here works with the figure as the "sealer" as well). The suggestion to read *ḥôtem* as *ḥawat* + enclitic *mem* (Batto 1992, 95, 215) is unnecessary.

[135] In part owing to the text-critical challenges raised by MT *ḫôtēm toknît*, for which see nn. 132 and 134 above.

[136] On the "eschatological significance" of this reading, see Wansbrough 1977, 64–65. This suggestion, however, does not deny the traditional interpretation of this epithet, which understands the seal as implying metaphorically that with Muḥammad a finality in prophetical election has been reached.

[137] George 1986, 141. For additional thoughts on the ancient Near Eastern context of the primordial figure as the deity's seal, see Callender 2000, 93–97.

(the image preserved in its seal) and a constituent of the scene itself. The question remains then whether, when one turns to Ezekiel's variation of this idea, something further may be said about the background of this self-reference and any consequences it may have had on later tradition. Put another way, given those parallels observed between (a) EG and Ezekiel's conception of Eden; and (b) Ezekiel's Eden and Exodus's tabernacle narrative, are there hints of contact on this point as well? Can a sentiment of self-reference be found in EG as well and suggested to have inspired Ez 28 and later biblical tradition?

VIII. More on the Epic of Gilgamesh in Ezekiel – and Elsewhere

What follows attempts to answer these questions tentatively but affirmatively. Upon closer examination additional parallels do appear between EG and Ezekiel's Eden on the one hand, and Ezekiel's Eden and the tabernacle narrative in Exodus on the other. In the first case these include a remarkable instance where Ezekiel's depiction of the primordial man in Eden seems to pick up on imagery and even language from EG; in the second these involve the possibility that the source for Ezekiel's image played a role in the conception of the tabernacle itself. Cumulatively these parallels suggest that Ezekiel's depiction of Eden, like its more famous counterpart in Genesis, served a pivotal role in the development of Jewish tradition from Babylonian roots. This would reinforce the basic claims made early on in this paper concerning Ezekiel's role in Babylon as a conduit of Babylonian learning in the burgeoning Jewish community.

To appreciate this we must turn to a passage from the very beginning of EG, before the hero sets out on his circular journey. The passage in question (SB I 1–28, 29) actually represents a prologue to the epic, added to the older, *šūtur eli šarrī* version,[138] apparently in an effort to provide a more "sombre reflection on the hero's travails."[139] The following provides an abridged translation of these lines:

> [He who saw the Deep (*ša naqba īmuru*), the] foundation of the country,
> [who knew the (correct) ways], was wise in everything (*kalāmu ḫassu*)!
> [Gilgamesh, who] saw the Deep (*ša naqba īmuru*), the foundation of the country,
> [who] knew [the (correct) ways], was wise in everything (*kalāmu ḫassu*)!
> …,
> he [*learned*] the totality of wisdom (*nēmequ*) of everything.
> He saw the secret/treasure (*niṣirtu*) and uncovered the hidden,
> he brought back a message from the antediluvian age (*ṭēma ša lām abūbi*).
> …

[138] As first noted by A. Schaffer, apud Wiseman 1974, 158, n. 22. On this textual evolution, see now George 2007b, 244–246, building on the publication in Arnaud 2007, 130–134 and pls. 19–20, of an important MB exemplar of the epic from Ugarit; also Fleming and Milstein 2010, 98, n. 17.

[139] George 2003, 23.

Go up on to the wall of Uruk and walk around (*ittallak*),
Survey the foundation platform, inspect the brickwork!
(See) if its brickwork is not kiln-fired brick (*agurrāt*),
and if the Seven Sages did not lay its foundations!
…
[Three *šār*] and a half (is) Uruk, its measurement (*tamšīḫu*).
[*Find*/*seek*] the tablet-box (*tupšennu*) of cedar (*erēnu*),
[*release*] its clasps of bronze!
[*Open*] the lid of its secret/treasure (*niṣirtu*),
[*lift*] *up* the tablet of lapis lazuli (*ṭuppi uqnî*) and read out
all the misfortunes, all that Gilgamesh went through (*ittallaku*)!
[S]urpassing all (other) kings (*šūtur eli šarrī*), illustrious, lordly in stature
(I 1–28, 29).[140]

This is how the famous story begins in its standard rendition. Gilgamesh, the most-wise, "who saw the deep" and had uncovered everything that was hidden must, paradoxically, undertake the journey that will lead to the very knowledge of which the poet already sings in the beginning (*ṭēmu ša lām abūbu* [I 8]). While he scopes Uruk from atop its walls, impressed with its *tamšīḫu*, "measurements" – an unusual term that recurs, curiously, as the very last word of the 11-tablet epic – Gilgamesh is encouraged by the omniscient poet to find a tablet box hidden deep beneath, containing a unique lapis tablet bearing the very story that is predestined to unfold. Gilgamesh is urged to read it and, tacitly, spare himself from the troubles that lie ahead.[141] The heeding of such caution, however, is not the nature of humanity, and in this Gilgamesh is no exception. Gilgamesh indeed plows ahead, only to return to the very place from which he started, a bit calmer perhaps, but with the sobering memory of all he must now learn to accept.

As scholars have noted, this remarkable passage builds on an established literary topos, one described as a literary conceit.[142] This, admittedly, it is, and a clever one at that. But beyond that these lines bear unmistakable hints of deeper matters, including reflections on the tension between determinism and free will, the circularity of the human drama, and, of course, the idea, so long to grasp, that happiness lies within. That comparisons between EG and Qoheleth should have been drawn already long ago is indeed not difficult to appreciate.

Nor is a resonance with Ezekiel's Eden depiction hard to spot. After all, as the prophet implies, the primordial figure in Eden also passed on the chance to take comfort in those "treasure repositories" (*ʾôṣārôt*) he had amassed (28:4)

[140] Following George 2003, 538–539, and the restorations in George 2007b, 246, with slight modifications.

[141] Pace George 2007b, 245, for whom this passage is addressed to the reader, as opposed to the earlier version from Ugarit, where the addressee according to George is Gilgamesh. Note that in the Ugarit version a mistake (?) in the opening of line 25 alters the sense of the text (on which, see George 2007b, 243).

[142] Oppenheim 1977, 258; Walker 1981, 192–193; George 2003, 446; most recently, Haul 2009, 172–173 (with additional references).

before caving into the insatiable human need for more. He too walked about amidst "stones (made?)[143] of fire" (28:14), along with a cherub described as *mimšaḥ hassôkēk* (28:14). The identity of the *nomens regens* of this construction is unclear, but if it derives from √*mšḥ*, "to measure," as many have supposed,[144] then it would be cognate to Akk. *tamšīḫu*, those "measurements" with which Gilgamesh is duly impressed.

Indeed, all that seemingly remains to be found is a tablet box, a box that elsewhere in mythical Israelite thought was imagined to have contained those prized tablets that bore the only story that really mattered. Or, perhaps better, in Exodus's tabernacle narrative these already represented a *new testament* of the story, since the original one, as later tradition understood so well, had already been with Adam in Eden.[145] This is precisely the sense of Moses' ascension at Sinai, a redemptive act that succeeds, for a moment anyway, and just beneath that lapis floor in the sky, to win the effulgence that Adam had supposedly lost (Ex 34:29–35).[146]

Where, then, might an *original testament* be hiding? Can anything in Ezekiel's depiction of Eden imply a familiarity on the part of the prophet with the tradition

---

[143] This understanding of the construct is grammatically permissible (GKC § 128x; Waltke-O'Connor § 9.5.1d) though admittedly unnecessary for its meaning. Its justification owes to the possibility that these stones refer to bricks, whose preparation by burning evidently piqued the curiosity of Judeans in Babylon (cf. Gn 11:3). Interestingly, the Akkadian term for Mesopotamian bricks of a kiln-fired variety, *agurru*, appears in line 20 of the prologue to EG (and in the parallel line, XI 325, in the poem's end), in which the hero is urged to inspect the city walls, which are lauded for their quality, in a manner recalling Ezekiel's preoccupation with Tyre's walls and defenses (Ez 26–27). That such bricks were likened to or equated with paving stones or tiles in Akkadian (see *CAD* A/1, 163) recalls similar conceptions in Hebrew – witness the *sapphire/lapis lazuli* brickwork (*libnat hassappîr* [Ex 24:10]) discussed above – and suggests that this conjecture should be given serious consideration.

[144] E. g., Levenson 1976, 35, n. 7; Greenberg 1997, 583.

[145] On this point, see, e. g., Anderson 2001, 187.

[146] On the tradition connecting Moses' "radiant?" skin and Adam's "light clothing" before the fall, based on the paranomastic association between *ʿôr*, "skin," and *ʾôr*, "light," see, e.g., Anderson 2001, 124–125.

The postbiblical idea of Adam's sheen in Eden actually finds significant backing in Ez 28's depiction of the primordial figure and his **yipʿâ* (vv. 7–17), "splendor." This term, unique to Ez 28 in the Bible, reflects Sem. √*wpʿ*; its Akk. relative, *wapû*, "to be(come) visible, to appear" (so too Block 1998, 98, n. 41; contra *AHw*, 1459), occurs in various forms in Mesopotamian depictions of divine-based proclamations and appearances (see, e. g., *CAD* A/2, 203–204) and even supernatural radiance (see, e. g., *CAD* Š/3, 329). As such it recalls better-known expressions that convey variations on the theme of the "aura" or "(fearsome) radiance" surrounding Mesopotamian gods and kings. This vocabulary apparently influenced Israelite writings in the form of loan translations, with Ezekiel and its mention in of *yirʾâ*, "fearsome appearance?" and *kābôd* in the opening chapter's theophany and elsewhere being no exception. The broader topic of expressions of divine luminosity in the Bible in the light of ancient Near Eastern parallels has recently been surveyed in Aster 2012, which includes a lengthy discussion of Ezekiel's sense of *kābôd* (pp. 301–315 [cf. Weinfeld 1995]) and *yirʾâ* (p. 212 and n. 71), but unfortunately decides against the relevance of **yipʿâ* in Ez 28 in this context (p. 127, n. 10).

of Gilgamesh's self-reference? An answer to this question demands engagement with arguably the most obstinate crux of this chapter, the rushing into which might justly be deemed unwise. In light of the parallels established above, however, there is reason to suspect that this undertaking may be worthwhile after all. For as in the case of EG, Ez 28 too speaks of something original that accompanied Eden's primordial figure. This seems to be the sense in v. 13 of the "craftsmanship" (*mĕlāʾkâ*) reportedly set (*kônānû*)[147] on the primordial figure's very "day of creation" (*yôm hibbārēʾ* [< √*brʾ*]) – a variation of the "presence at the creation" theme,[148] which in the first millennium echoes with increasing decibels the suggestion of the written word's presence at the world's oral creation. Ezekiel employs *mĕlāʾkâ* and √*brʾ* to make this case, stark language recalling seminal creative acts in the Bible: those of the tabernacle and temple (Ex 31:3, 5; 35:29–35; 1 Kgs 7:14, etc.) and, of course, of the world itself (Gn 1:1; 2:2–4a). And in so doing the prophet relates Eden once more to both the cosmic and historical planes.[149]

Sandwiched between these loaded terms is the almost impossibly difficult *tuppêkā ûnĕqābêka*,[150] about which previous opinions have been mere guesswork, often by their own admission.[151] Interestingly, however, one line of reasoning had sought to connect this to the high priest's breastplate's Urim and Thummim, which is understood as akin to the above-mentioned Akkadian Tablet of Destinies; the same line of reasoning even likened Heb. *tuppêkā* to Akk. *ṭuppu*, "tablet."[152] This suggestion, obviously influenced by the parallel between the gemstones in this verse and those in Exodus, resorted to unjustifiable speculation and emendation to make its point.[153] And yet the possibility of a relation between Heb. *tuppêka* and Akk. *ṭuppu* deserves further consideration in the context of what has been discussed.

For in fact the prologue to EG quoted above does make mention of a tablet, the one housed in the tablet box buried in the walls' foundations, presumably by the mythological Seven Sages[154] and – given the Mesopotamian conception

---

[147] The verb's omission in some versions does not challenge this contention.

[148] Elegantly described in Michalowski 1990.

[149] Already noted in some commentaries, e. g., Zimmerli 1983, 90–91; Block 1998, 109–110. See further Hurowitz 1992, 235–242, on the place of *mĕlāʾkâ* in the accounts of the temple and tabernacle, and the connection of such language to the creation narrative in Genesis.

[150] Something that seems all but certain, however, is BHS's suggestion of a dittography at the phrase's end; with others (e. g., Callender 2000, 88) we emend thus: *tpyk unqbyk* <<*bk*>>.

[151] See, e. g., Zimmerli (1983, 84–85) and Block (1998, 109–110), who assemble earlier proposals, to which add Tur Sinai 1948–1955, 2:302.

[152] See the summary of which in Zimmerli 1983, 84, to which add Scheil 1920, 210; Widengren 1950, 26.

[153] See, e. g., Weill 1901, who wished to emend *tuppêkā* to *tummêkā* and liken *nĕqābîm* to *ʾûrîm*.

[154] Pace George (2003, 446), who follows Walker (1981, 194) in assuming that Gilgamesh himself placed this text in the city walls, based in part on the reading of I 10.

of and regard for city origins[155] – *in illo tempore*. As described above, this box contains Gilgamesh's own story, the one that would have been known to the story's audience by its incipit: *ša naqba īmuru*, "He who Saw the Depths." This expression of self-reference seems to differ initially from those described above in its omission of the divine-logos theme. Then again, it too reflects an omniscient voice, that of the poet, whose message the poem's hapless protagonist predictably ignores. Once more a comparison with Ezekiel is hard to overlook.

IX. *Tuppêkā ûnĕqābêka*: The Epic of Gilgamesh Cited in Ezekiel?

In light of those correspondences between EG and the Eden tradition preserved in Ez 28 surveyed above (§§ V–VIII), a bold suggestion concerning Ezekiel's Eden seems less objectionable than might otherwise be the case. Specifically, we posit that v. 13 of Ez 28 contains a reference to EG itself, viz., an abbreviation of the epic's opening, *ša naqba īmuru* ("The One who Saw the Depths") or its designation in colophons, *ṭuppi* {#} *ša naqba īmuru* ("tablet {#} of 'The One Who Saw the Depths'"). If so, the Hebrew *tuppêkā ûnĕqābêka*, to be rendered "Your tablet(s); your Depths (story)," or, slightly emended as *tuppê nĕqābêka*,[156] "the tablet(s) of your Depths (story)," would provide a reference to the Akkadian epic, perhaps even a citation of one of its tablets. In either case the Hebrew **tôp*/**tuppîm* and **nvqvb*/**nĕqābîm* would represent loans of Akk. *ṭuppu*, "tablet," and *naqbu*, "Depth(s)"; taken together, Ezekiel's reference of *tuppêkā ûnĕqābêka* would thus provide a borrowing from and a direct link to EG. If correct, this possibility, when taken into consideration with an additional factor presented below, suggests that the prophet knew not only of Gilgamesh and his exploits but also of the epic recalling these feats, along with the epic's literary context in first-millennium Babylonian scholarship.

Before this broader issue can be considered, however, a small philological matter must be addressed, since an immediate obstacle in phonology appears to stand in the way of the possibility just described. The Akkadian for "tablet" is typically rendered with the emphatic dental *ṭ*, not the voiceless counterpart *t* in the alleged Hebrew parallel, and thus initially it would seem that the Hebrew cannot be related to the Akkadian. And yet first impressions here run the risk of circular reasoning. The choice of reading *ṭuppu* rests on external evidence such as the biblical *ṭpsr* for Akk. *ṭupšarru*, "scribe,"[157] since cuneiform is vague in its

[155] Well put in Pongratz-Leisten 1994, 18; Maul 1997.

[156] I.e., *tpy<<k u >>nqbyk*, omitting the first-person pronominal suffix and the following conjunction and understanding these as a secondary attempt at the formation of "word counterparts" that are very common in MT Ezekiel; on which, see Zimmerli 1979, 75–76 (with references).

[157] Kaufman 1974, 138, n. 6; *CAD* Ṭ, 148.

representation of this phonemic distinction.[158] For this reason *CAD* was wise to offer *tuppu* as an alternate spelling possibility and in fact posit on the basis of evidence internal to cuneiform that *tuppu*, and not *ṭuppu*, is the word's expected reading.[159] And other examples of Akkadian-Hebrew lexical equivalents exhibiting the same phonological divergence – e. g., Akk. *ṭurru/turru*, "yarn, twine, string, band,"[160] and Heb. *tôr*, "knotted thread, string" – support this conclusion, and invite further speculation on the challenges it presents.

Besides, if *tuppê*(*kā*) does represent a loan from Akkadian *ṭuppu*, then the finding of phonological divergence between the lexemes should not come as a great surprise. As reiterated not long ago for the case of Akkadian loans in Hebrew, such divergence is in fact a major criterion *for* the establishment of loanwords in a recipient language when, as with Hebrew and Akkadian, it and its donor are etymologically related; to insist otherwise risks the mixing of "real" loanwords with cognates.[161] This complicates the adjudication of such cases, to be sure, and demands that considerations beyond phonological equations be factored into decisions about linguistic borrowing. But in the study of loanwords this is nothing new. Lexical borrowings are notorious for prompting various and frequently unpredictable processes of adaptation by their recipient languages; the proper identification of loans demands that these be taken into account.[162] Objections to understanding Heb. **tuppê* as a loan of Akk. *ṭ/ṭuppu* can thus be overruled in one of two ways. With this settled, the prospect that Ezekiel's *tuppêkā ûnĕqābêka* sought to borrow a phrase from the Mesopotamian literary milieu faces no further challenges, at least not from a linguistic point of view.

X. Text Citations and Tablet Boxes

Might, then, the enigmatic *tuppê nĕqābêka* in Ez 28 refer literally to EG? If this suggestion of a citation of one text in the body of another should still seem unlikely, one would do well to recall a striking parallel to this alleged sort of

[158] And others like it, owing to the fact that the same sign often represents two syllables; thus in this case DUB = *ṭup* or *tup*.

[159] *CAD* Ṭ 129, 148. The case was made even more elaborately and forcefully more recently in the review of *CAD* Ṭ by Streck 2009, 136–139. In theory, then, the Hebrew could be deemed a cognate rather than a loan of the Akkadian. But this seems unlikely given that "tablets" are regularly mentioned in the Bible and rendered as *lûḥôt*.

[160] *CAD* Ṭ, 164–165. Note that this word is a loan from Sum. DUR, just as *ṭuppu/tuppu* comes from Sum. DUB.

[161] Mankowski 2000, 4–6 (with references).

[162] For a recent theoretical word on contact-induced phonological changes that occur in the nativization of loanwords, see Matras 2009, 221–231; also Calabrese and Wetzels 2009. On limitations of system-internal considerations of historical linguistics in the assessment of contact-induced language change more generally, see the influential study by Thomason and Kaufmann (1988).

intertextual allusion within the Mesopotamian scribal milieu. An almost identical occurrence to the case at hand can be pointed to, in fact with EG itself the borrower this time of a phrase from another, older text, and amazingly in the very passage of the epic offering the instructions concerning the tablet box. This involves the command to "open the tablet box," Akk. *tupšenna pete*, in EG, which corresponds to the incipit to another well-known literary composition, the Cuthean Legend of Narām-Sîn, known literally in ancient Mesopotamia as *tupšenna petē-ma*.[163] This last text's "title" was actually woven into EG as well as into another first-millennium composition, the so-called Warning to Bēl-eṭir,[164] in an attempt to connect these to an established literary tradition, in or against which these would then offer their own takes and variations on an established theme.

In the case of EG this appears to have been done as part of the older epic's reconfiguration, sometime in the second millennium[165] and perhaps by Sîn-lēqi-unninni himself, the Middle Babylonian redactor identified by later tradition as responsible for the epic in its standard form.[166] As described above, the prologue added to the epic at this point reframed the previously upbeat introduction with more sober tones and reflections on the fallibility of human nature. This is the context in which the tablet-box tradition appears. To the extent that this tradition was intended to echo its source, it would seem that an effort was made to paint Gilgamesh as an *Unheilsherrscher*, an "ill-fated ruler" figure doomed to failure owing to hubris evident in many Mesopotamian compositions of the *narû*-literature sort,[167] the most popular example of which being the Cuthean Legend.

The same sort of intertextual allusion is suggested here for Ezekiel's depiction of Eden. This would be the sense of the prophet's reference to *tuppê*(*kā û*) *nĕqābêka* in v. 13: a nod in EG's direction, in the manner by which EG acknowledges the Cuthean Legend of Narām-Sîn. This basic analogy is represented by Figure 6 (but cf. further below). If so, then the inclusion in the prophet's portrayal of the Tyrian leader as Gilgamesh of a reference to the epic itself would suggest a relation to Babylonian literary tradition at levels previously undocumented or imagined.

---

[163] See already Lambert (1976, 314, 317), who presciently recognized this composition's incipit in a first-millennium library "catalogue," and Walker (1981, 193–194) for its identification; more recently, see Haul 2009, 22–23 (with bibliography). For the edition(s) of the text, see Westenholz 1997, 263–368, 404–410, there labeled "Naram-Sin and the Enemy Hordes."

[164] Edited in Livingstone 1989, 64–65 (text no. 29). On the person Bēl-eṭir and the *Sitz im Leben* of this composition, see Luppert-Barnard 1999, 299 (no. 17); Heeßel 2002, 76–77.

[165] Judging by the epic's opening in the aforementioned exemplar from Ugarit (MB Ug_1 22–24) that contains this tradition; on which, see George 2007b, 240, 245.

[166] On which, see George 2003, 28–33; 2007b, 244–245.

[167] These terms go back to Güterbock 1934; for a discussion of this slippery genre, see, most recently, Haul 2009, 95–131, with a thorough summary of previous opinions.

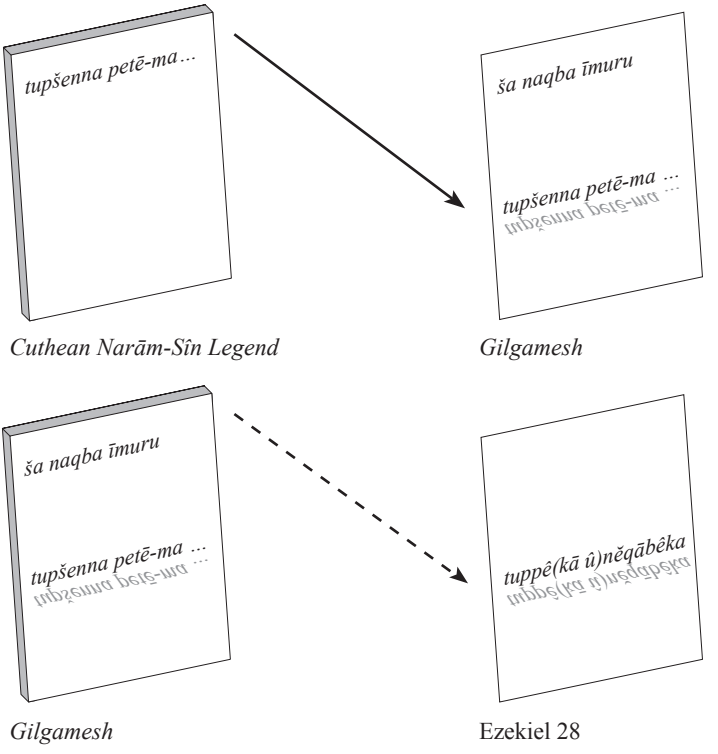


Figure 6: A Representation of Cases of Intertextuality, Established and Alleged

Of course the attempt to qualify this relation runs quickly into rough interpretive waters. For how is one to read such an alleged instance of intertextuality? Can it be stated with the certainty allotted to the case of the Cuthean Legend and EG that a reference to or citation of EG in Ezekiel be understood as intentional? If so, for what purpose was this reference? What level of knowledge of the existing, older text should be assumed by the younger? Is this to be limited to the type of relation witnessed between EG and the Cuthean Legend, with the former seemingly building on the latter's *Unheilsherrscher* tradition, but only loosely and secondarily? Or might the relationship run deeper, as in another famous case of intertextuality in first-millennium Mesopotamian literature, the one between the myths of Anzû (lit., *bin šar dadmê*, "Son of the King of the Inhabited Places") and Erra (lit., *šar gimir dadmê*, "King of All the Inhabited Places"), which beyond Erra's and Anzû's nominal congruence has been shown to encompass form and message?[168] Finally, can we assume that Ezekiel would have been aware of the broader context of his action, that is, that in quoting EG the prophet was

[168] Machinist 2005.

wittingly establishing his own small stream of tradition, one running from the Cuthean Legend's "memory" of the downfall of Mesopotamia's first empire in the third millennium to that of its last, just before its own demise at the dawn of the Persian and Hellenistic new days?

In light of all these questions, challenging even in well-established cases of intertextuality, caution with reference to EG and Ez 28 seems advisable. A reference in Ezekiel to a tablet of EG, if it is so, may well reflect more quip than footnote; certainly nothing like the sporadic technical references to literary compositions known from the first-millennium scholastic commentaries[169] should be assumed. And yet the undeniable increase in intertextual references in first-millennium Mesopotamian literature[170] is such that this idea must not be ignored, all the more in light of those parallels between EG and Ez 28 drawn out above.

This possibility gains additional favor still when one considers the scholastic framework in which the Cuthean Legend and EG were known in the first millennium. References to both these compositions along with others, like the Sargon Birth Legend,[171] are attested in first-millennium Babylonian school texts; these texts, as skillfully explained by Petra Gesche, were taught to pupils in the course of their primary level of education,[172] probably owing to an interest in the broader *narû*-literature and its concern with the behavior (un-)befitting of kings.[173] The possibility that the Cuthean Legend's iconic tablet box made for an instructive lesson in this environment seems likely enough; the productivity of this image in the first millennium is evinced by its attestation in the case of the Warning to Bēl-eṭir text mentioned above. The likelihood that another text's banner opening would have been conceived as good teaching material in this same context seems no different.[174]

Admittedly all this rides on the bold suggestion put forth above. From a critical point of view the possibility that in its portrayal of Eden, Ezekiel actually includes a reference to EG still demands a certain leap of faith, one ultimately motivated by the modern resistance to admit a Hebrew priest-prophet into the Babylonian academic milieu. Nor does it seem as if such uneasiness will be easily allayed, this despite the implicit but ever-growing evidence of such contact, our knowledge of first-millennium multilingualism and multiethnic scribal

---

[169] These being often implicit; on which see Frahm 2011, 102–107.

[170] For excellent recent overviews of these developments, see Frahm 2011, 86–110 and passim; Seri, forthcoming.

[171] Edited in Westenholz 1997, 36–49; see more recently Haul 2009, 106–107.

[172] Gesche 2000, 148–150.

[173] Gesche 2000, 149–150.

[174] Note that in the case of the Sargon Birth Legend's quotation on the school tablet from Neo-Babylonian Dilbat (CT 13 43b [BM 47449]; photo in Westenholz 1997, 381) it is the story's opening six lines that were quoted (CT 13 43b rev. iii 1–16). These lines, relaying the miraculous concealment of the baby Sargon in a wicker basket pitched with bitumen and set to sail down a river, are of significance to the origins of one biblical narrative of some fame.

training in cuneiform,[175] or even explicit evidence of the desired sort for later periods of Babylonian-Jewish contact.[176] For this, perhaps, only the discovery of an unquestionably Judean name in the colophon of a cuneiform scholastic text will satisfy skeptical minds,[177] though it should not surprise us if such a finding will face charges of the *testis unus testis nullus* sort.

Faute de mieux, two last points may be mustered in support of our thesis. First, it should be clear that regardless of whether the idea of Ezekiel's citation of EG is conceded, the connections between EG and Ez 28 presented above are compelling; as such, the overall claim of Ezekiel's use of EG in his oracle against Tyre need not depend on the viability of the prophet's actual reference to the Mesopotamian epic itself. To be sure, this possibility, if granted, would provide a welcome boost to the case presented. And it may well function as an improvised key with which the doors to the Babylonian learning academies, previously imagined as closed to the biblical authors, can finally be unlocked in the minds of the Bible's modern students. But it is important to recognize that the perception of the Babylonian school as closed to Judean (or Jewish) students is illusory in the first place; from the remains of learned Mesopotamian tradition in Ezekiel and elsewhere in the biblical text we may safely deduce that its doors were in fact wide open.[178]

The second point of support stems from the afterlife of Ezekiel's Eden story elsewhere in the biblical text. The possibility that the *tuppê*(*kā û*)*nĕqābêka* mentioned in Ez 28:13 recalls EG, perhaps even the epic's prologue with its self-referring tablet box, finds backing when one recalls the second link to Ez

[175] For a recent word on which, see Beaulieu 2006; Fales 2007.

[176] The possibility that Judeans participated in the still-vibrant schools and temples of the Neo- and Late Babylonian periods is far more likely than what has been established for hundreds of years later, in the late Parthian and early Sasanian periods, when (after?) cuneiform civilization was on its last gasps: a Jew named Mar Samuel appears learning from a local scholar with a patently Akkadian name, Ea (or Anu?)-uballiṭ, and incorporating various Mesopotamian sciences into the Babylonian Talmud. On this fascinating episode, see Geller 1997, 56–58; 2004 (with further qualifications); Frahm 2011, 371.

[177] In fact such a claim was already made concerning the allegedly Hebrew name *Šemaʿya* (m|*še-ma-aʾ-iá*) that appears in a colophon to a scholarly text, BM 47447, a commentary on the astrological series *Enūma Anu Enlil* (Livingstone 1986, 259–260). However, the closer examination in Finkel 1988, 153–155, and Frahm 2011, 307, 379–380, of this scholar's lineage in the Ēṭirum "family" of Borsippa has cast serious doubt on this possibility. And yet the fact remains that even if Finkel's and Frahm's reasonable doubts prove correct, nonetheless the "Šemaʿya-as-conduit" model cannot be denied as a possible explanation for the sort of transmission ultimately responsible for, say, the conveyance of *Enūma eliš* into the tradition making up Gn 1–2:4a, or of EG's flood into that of Gn 6–9. See further I. Finkel's contribution to this volume.

[178] Beyond, that is, the expected challenges in gaining acceptance into prestigious institutions associated with Babylonian priestly "guilds"; on which, see Waerzeggers and Jursa 2008; Waerzeggers 2010b, 51–59, 77–109 (with additional references). One imagines a different and more inclusive situation in those schools associated with the court, as conveyed indirectly via the story of Aḥiqar.

28 described above, which connects it to Exodus's tabernacle narrative. This link, it bears reminding, is indisputable: the gemstones common to both Ezekiel's Eden and Exodus's tabernacle narrative ensure this, with those additional elements described above common to both traditions underscoring the matter still. Thus it seems only natural to wonder whether any connection between the tabernacle's special tablet box and its counterpart in EG might have originally run through Ezekiel. Admittedly nothing in Ez 28's Eden tradition, to the extent it has been adequately grasped, points to the mention of any box. And yet such a box's content – an alleged tablet of special repute, and in the vicinity of a veritable treasure[179] – matches what is expected in Ezekiel's words, as does the vocabulary, including *tabnît* and *mĕlā'kâ*, terms typically preserved for special, indeed creative, building projects.

In this light, the possibility that something in or relating to Ezekiel's Eden tradition acted as the conduit between EG's tablet box (and the history behind this tradition) and Exodus's tabernacle deserves further thought. Unfortunately this matter seems spent for the moment, and thus its potential for shedding light on Eden's *tuppê*(*kā û*)*nĕqābêka* must be met with caution (for fear of circular reasoning). Still the possibility seems promising, as does the prospect that EG may be credited with the origins of one element in Israel's tabernacle narrative.

XI. Conclusion

What, finally, can be said of Ezekiel's knowledge of Babylon, specifically the learned aspects of its culture? It should be clear that the preceding represents only an initial step towards the answering of this question. The few stones overturned along the road taken make it plain that much more stands to be uncovered, even concerning the very topics discussed here. Indeed, as hinted earlier, even Ezekiel's knowledge of EG may be demonstrated to run deeper than what the present discussion has allowed. And future studies of Ezekiel's familiarity with other learned sides of Babylonian culture will doubtlessly contribute to this point as well.

Still the journey undertaken has managed to draw up some results befitting provisional conclusions. For it has shown that atop the familiarity of Ezekiel with aspects of daily life in the prophet's Babylonian setting, additional clues to which we have pointed reveal an awareness of learned sides of the host environment. These, moreover, are impressive for their range: in terms of subject, contextual setting, size, technicality, and (alleged) date and location in the pro-

[179] Note the use in *Gilgameš* I 26 of *niširtu*, which was clearly meant to resonate with the word's two meanings, "secret" and "treasure," and probably echoes the original idea of the *tupšinnu*/dub.šen as a "treasure box" (for which, see Steinkeller 1981, 243–246; 1984) as well as the recurring depiction of its contents as secret (see Civil 1987, 20–21).

phetic book, Ezekiel reveals an impressive knowledge of the Babylonian *learned* landscape. In addition to established cases, like those involving the prophet's early theophany and details of the cosmos related on that occasion (Ez 1), one example of Ezekiel's steeping in Babylonian scholarship surveyed involves the numerical data preserved in one of Ezekiel's early symbolic acts (4:4–8). The matter, perhaps appropriately for its topic, is complex; but at some level at least the claim that the passage preserves vestiges of Mesopotamian scholarly interests in numerology and cipher – the correlation of "left" to 150 stands out among these – seems undeniable.

A more prominent example was shown to involve Ezekiel's reference to an Eden tradition (Ez 28). This episode, recalled in the context of an oracle against Tyre and its king, was established as drawing on the best-known among the literary treasures from Mesopotamia: the Epic of Gilgamesh. In so doing the prophet displays an impressive degree of familiarity with the story; this includes an awareness of its celebration of Gilgamesh's bodily perfection and his divine-like wisdom, professedly surpassing the deep (v. 3), along with bits from his travels (the sentries tradition) and especially his connection to a paradisiacal island from which he is evicted. The latter case may well have provided the impetus for Ezekiel's inventiveness, since a connection between Tyre, the object of the prophet's oracle, and Dilmun (Baḥrain), the rich Arabian Gulf isle that was the object of Gilgamesh's desires, was shown to have been widespread in antiquity, and quite possibly extended to Ezekiel's day and even beforehand. Finally, the possibility was entertained that the prophet actually refers more directly to the epic, and does so in a manner seemingly in keeping with a native Babylonian tradition alive in the Babylonian schools in the prophet's own day. Though this intriguing possibility could not be proven conclusively, the indications described above suggest that it may well be correct.

In this light it seems that Ezekiel's immersion in Mesopotamia does not terminate "*by* the rivers of Babylon," to push the metaphor a bit further still. Rather, this can be argued to derive from their very mouths – *ina pî nārāti*, to borrow from EG (SB XI 205–206). To what extent Gilgamesh's journey was appreciated allegorically in Mesopotamia, with the rivers taken according to their (established) metaphoric sense as conduits of wisdom, we may never know. For Ezekiel, however, this bit of conceit works well; the possibility that this early Jewish prophet reached the Babylonian schools and drank from the very source of Babylon's stream of literary tradition cannot be denied.

Yet there is more to it than that. The preceding discussion has made it clear that Ezekiel's knowledge of Babylon is not only impressive for its quantity; the qualitative aspect of it is noteworthy in its own right. This much is evident from the sheer variety of his knowledge – arcane in some cases, celebrated in others – as well as its depth. In the latter category once more the case of the prophet's reference to EG was found to provide a prime example.

But a sense of Ezekiel's literacy also comes through in the way by which the borrowed materials appear in their new home, and for this once more the case of EG in the prophet's depiction of Eden provided us with a supreme example. For as discussed above, by no means does Ezekiel's Eden represent a carbon copy of EG, even when one factors in the expected alterations in storyline or simple poetic license. Basic differences between the two narratives – for instance Ezekiel's apparent conflation of the characters of Gilgamesh and Utnapishtim – seem undeniable and must be accounted for.

Nor can such differences be taken for confusion, simple or otherwise – at least not in their entirety. It is clear that some such cases bespeak a conscious effort by their author to forge new ideas in the articulation of a new vision. Ezekiel's depiction of Eden's primordial man is a case in point. As we have seen, this Gilgamesh-*cum*-Utnapishtim figure, though *native to* the island, is ultimately *evicted from* it, owing not to the whim of the gods but to matters of human choice and transgression. This change in directionality, as in the more common Eden tradition of Genesis, cannot be ascribed to coincidence. Rather, it reflects the conscious reworking of a foreign idea, something akin to the sort of code switching that sociolinguists point to when one group incorporates an idea of another but brings it in line with its own assumptions or preferences. In the case at hand the relation of the primordial figure's behavior to his fate resonates with basic tenets of Israelite/Jewish belief and must be taken as derivative of it. In short, the points of contact explored above testify not only to a *reflection* on things Babylonian but also to a *refraction* of this world – to a willingness to engage this world, to incorporate elements therefrom into the prophet's message, and to begin thereby to help chart a new and fateful course for the exiled Judean community.

Such, it seems, may be the essence of the earliest traces of Jewish studies in Babylonian Tel Aviv. It is sobering to think that somewhere by the rivers of Babylon some 2,500 years ago, long before rabbis stumbled upon the last remnants of the cuneiform civilization, Jewish studies – a newly founded discipline, born in the wake of seismic shifts felt by those who first professed the Yahwistic creed – welcomed the secrets of Assyriology, a discipline with many competing and more established ideas on similar topics, into its midst. Yet perhaps more astounding still is the setting that first prompted these words, a testament to the continuity of this stream of tradition: this setting, after all, was the selfsame riverless city to which those exiles vowed to return, but at the same time bringing with them the cultural lore of cities from beyond the sea and lament here the loss of those faraway places. For in those places songs of Zion were apparently sung, the fruit on trees were indescribable in their appeal, and, most importantly, as was recalled nostalgically, the rivers ran far and wide.

Bibliography

Abraham, K. 2005–2006. "West Semitic and Judean Brides in Cuneiform Sources from the Sixth Century BCE: New Evidence from a Marriage Contract from Āl-Yahudu." *Archiv für Orientforschung* 51:198–219.

–. 2007. "An Inheritance Division among Judeans in Babylonia from the Early Persian Period." In *New Seals and Inscriptions: Hebrew, Idumean, and Cuneiform*, edited by M. Lubetski, 206–221. Sheffield: Sheffield Phoenix Press.

Adali, S. F. 2011. *The Scourge of God: The Umman-Manda and Its Significance in the First Millennium BC.* State Archive of Assyria Studies 20. Helsinki: The Neo-Assyrian Text Corpus Project.

Amiet, P. 1980. *La glyptique mésopotamienne archaïque*. 2nd ed. Paris: CNRS.

Anderson, G. 2001. *The Genesis of Perfection: Adam and Eve in Jewish and Christian Imagination.* Louisville, KY: Westminster/John Knox.

Arnaud, D. 2007. *Corpus des textes de bibliothèque de Ras Shamra–Ougarit (1936–2000) en sumérien, babylonien et assyrien.* Aula Orientalis Supplementa 23. Sabadell, Spain: Ausa.

Aster, S. Z. 2007. "The Image of Assyria in Isaiah 2:5–22: The Campaign Motif Reversed." *Journal of the American Oriental Society* 127:249–278.

–. 2012. *The Unbeatable Light:* Melammu *and Its Biblical Parallels*. Alter Orient und Altes Testament 384. Münster: Ugarit Verlag.

Batto, B. 1992. *Slaying the Dragon: Mythmaking in the Biblical Tradition.* Louisville, KY: Wesminster/John Knox.

Beaulieu, P.-A. 2006. "Official and Vernacular Languages: The Shifting Sands of Imperial and Cultural Identities in First-Millennium B. C. Mesopotamia." In *Margins of Writing, Origins of Cultures*, edited by S. L. Sanders, Oriental Institute Seminars 2, 187–216. Chicago: Oriental Institute of the University of Chicago.

Bertholet, A. 1897. *Das Buch Hezekiel erklärt.* Freiburg: J. C. B. Mohr.

Block, D. I. 1997. *The Book of Ezekiel: Chapters 1–24.* New International Commentary. Grand Rapids, MI: Eerdmans.

–. 1998. *The Book of Ezekiel: Chapters 25–48.* New International Commentary. Grand Rapids, MI: Eerdmans.

Bodi, D. 1991. *The Book of Ezekiel and the Poem of Erra.* Orbis biblicus et orientalis 104. Freiburg: Universitätsverlag; Göttingen: Vandenhoeck & Ruprecht.

Boehmer, R. M. 1965. *Die Entwicklung der Glyptik während der Akkad-Zeit.* Untersuchungen zur Assyriologie und vorderasiatischen Archäologie 4. Berlin: de Gruyter.

Borger, R. 2004. *Mesopotamisches Zeichenlexikon.* Alter Orient und Altes Testament 305. Münster: Ugarit-Verlag.

Burrows, E. J. 1928. *Tilmun, Baḥrain, Paradise.* Biblica et orientalia 2. Rome: Pontifical Biblical Institute.

Calabrese, A., and W. L. Wetzels, eds. 2009. *Loan Phonology.* Current Issues in Linguistic Theory 307. Amsterdam: John Benjamins, 2009.

Callender, D. E. 2000. *Adam in Myth and History: Ancient Israelite Perspectives on the Primal Human.* Harvard Semitic Studies 48. Winona Lake, IN: Eisenbrauns.

Cavigneaux, A. 2007. "Les oiseaux de l'arche." *Aula Orientalis* 25:319–320.

Charpin, D. 2003. "La 'toponymie en mirroir' dans le Proche-Orient amorrite." *Revue d'Assyriologie* 97:3–34.

Christman, A. R. 2005. *"What Did Ezekiel See?": Christian Exegesis of Ezekiel's Vision of the Chariot from Irenaeus to Gregory the Great.* Bible in Ancient Christianity 4. Leiden: Brill.

Civil, M. 1987. "Sumerian Riddles: A Corpus." *Aula Orientalis* 5:17–37.

Cohen, R. 1983. *Kadesh-Barnea: A Fortress from the Time of the Judaean Kingdom.* Jerusalem: Israel Museum.

Cohen, R., and H. Bernick-Greenberg. 2007. *Excavations at Kadesh Barnea (Tell el-Qudeirat) 1976–1982*. 2 vols. Israel Antiquities Authority Reports 34.1–2. Jerusalem: IAA.

Day, J. 1985. *God's Conflict with the Dragon and the Sea: Echoes of a Canaanite Myth in the Old Testament*. Cambridge: Cambridge University Press.

Diakonoff, I. M. 1992. "The Naval Power and Trade of Tyre." *Israel Exploration Journal* 42:168–193.

Fales, F. M. 2007. "Multilingualism on Multiple Media in the Neo-Assyrian Period: A Review of the Evidence." *State Archives of Assyria Bulletin* 16:95–122.

Farbridge, M. H. [1923] 1970. *Studies in Biblical and Semitic Symbolism*. New York: Ktav.

Finkel, I. L. 1988. "Adad-apla-iddina, Esagil-kīn-apli, and the Series SA.GIG." In *A Scientific Humanist: Studies in Memory of Abraham Sachs*, edited by E. Leichty, M. deJong Ellis, and P. Gerardi, Occasional Publications of the Samuel Noah Kramer Fund 9, 143–159. Philadelphia: Samuel Noah Kramer Fund, The University Museum.

Fishbane, M. 1985. *Biblical Interpretation in Ancient Israel*. Oxford: Clarendon Press.

Fleming, D. E., and S. J. Milstein. 2010. *The Buried Foundation of the Gilgamesh Epic: The Akkadian Huwawa Narrative.* Cuneiform Monographs 39. Leiden: Brill.

Foster, B. R. 2005. *Before the Muses: An Anthology of Akkadian Literature*. 3rd ed. Bethesda, MD: CDL Press.

Frahm, E. 2011. *Babylonian and Assyrian Text Commentaries: Origins of Interpretation.* Guides to the Mesopotamian Textual Record 5. Münster: Ugarit-Verlag.

Freedy, K. S., and D. B. Redford. 1970. "The Dates of Ezekiel in Relation to Biblical, Babylonian and Egyptian Sources." *Journal of the American Oriental Society* 90:462–485.

Friberg, J. 1987–1990. "Mathematik." *Reallexikon der Assyriologie* 7:531–585.

Garfinkel, S. P. 1983. "Studies in Akkadian Influences in the Book of Ezekiel." Ph.D diss., Columbia University, New York.

–. 1987. "Of Thistles and Thorns: A New Approach to Ezekiel ii 6." *Vetus Testamentum* 37:421–437.

–. 1989. "Another Model for Ezekiel's Abnormalities." *Journal of the Ancient Near Eastern Society* 19:39–50.

Geller, M. J. 1997. "The Last Wedge." *Zeitschrift für Assyriologie* 87:43–95.

–. 2004. "Akkadian Healing Therapies in the Babylonian Talmud." *Max-Planck-Institut für Wissenschaftsgeschichte Preprints* 259:1–60. http://www.mpiwg-berlin.mpg.de/Preprints/P259.PDF.

George, A. R. 1986. "Sennacherib and the Tablet of Destinies." *Iraq* 48:133–146.

–. 1992. *Babylonian Topographical Texts.* Orientalia Lovaniensia Analecta 40. Leuven: Peters.

–. 2003. *The Babylonian Gilgamesh Epic: Introduction, Critical Edition and Cuneiform Texts*. 2 vols. Oxford: Oxford University Press.

–. 2007a. "The Civilizing of Ea-Enkidu: An Unusual Tablet of the Babylonian Gilgameš Epic." *Revue d'Assyriologie* 101:59–80.

–. 2007b. "The Gilgameš Epic at Ugarit." *Aula Orientalis* 25:237–254.
–. 2009. *Babylonian Literary Texts in the Schøyen Collection*. Cornell University Studies in Assyriology and Sumerology 10. Bethesda, MD: CDL Press.
Gera, D., and W. Horowitz. 1997. "Antiochus IV in Life and Death: Evidence from the Babylonian Astronomical Diaries." *Journal of the American Oriental Society* 117:240–252.
Gesche, P. D. 2000. *Schulunterricht in Babylonien im ersten Jahrtausend v. Chr.* Alter Orient und Altes Testament 275. Münster: Ugarit-Verlag.
Gluska, I. 2005. "Akkadian Influences on the Book of Ezekiel." In *An Experienced Scribe Who Neglects Nothing: Ancient Near Eastern Studies in Honor of Jacob Klein*, edited by Y. Sefati et al., 718–737. Bethesda, MD: CDL Press.
Godley, A. D., trans. 1971. *Herodotus*. 4 vols. Loeb Classical Library. Cambridge, MA: Harvard University Press.
Goldstein, R. 2004. "From Gods to Idols: The Changes in the Relation to Other Gods in Biblical Literature and the Revision in Isaiah 2:18–21" [Hebrew]. *Beer Sheva* 18:115–156.
Grainger, J. D. 1997. *A Seleukid Prosopography and Gazetteer.* Leiden: Brill.
Greenberg, M. 1983. *Ezekiel 1–20.* Anchor Bible 22. New York: Doubleday.
–. 1991. "Nebuchadnezzar at the Parting of the Ways: Ezek. 21:26–27." In *Ah, Assyria …: Studies in Assyrian History and Ancient Near Eastern Historiography Presented to Hayim Tadmor*, edited by M. Cogan and I. Ephʿal, Scripta Hierosolymitana 33. 267–271. Jerusalem: Magnes.
–. 1997. *Ezekiel 21–37.* Anchor Bible 22A. New York: Doubleday.
Greenspahn, F. E. 1980. "The Number and Distribution of *hapax legomena* in Biblical Hebrew." *Vetus Testamentum* 30:8–19.
–. 1984. *Hapax Legomena in Biblical Hebrew: A Study of the Phenomenon and Its Treatment since Antiquity with Special Reference to Verbal Forms.* Society of Biblical Literature Dissertation Series 74. Chico, CA: Scholars Press.
Gunkel, H. [1909] 1977. "Jensens Gilgamesch-Epos in der Weltliteratur." In *Das Gilgamesch-Epos*, edited by K. Oberhuber, Wege der Forschung 215, 74–84. Darmstadt: Wissenschaftliche Buchgesellschaft.
–. [1895] 2006. *Creation and Chaos in the Primeval Era and the Eschaton: A Religio-Historical Study of Genesis 1 and Revelation 12.* Translated by K. William Whitney. Grand Rapids, MI: Eerdmans.
Güterbock, H.-G. 1934. "Die Historische Tradition und ihre literarische Gestaltung bei Babyloniern und Hethitern bis 1200: Erster Teil: Babylonier." *Zeitschrift für Assyriologie* 42:1–91.
Hallo, W. W. 1996. "Enki and the Theology of Eridu." *Journal of the American Oriental Society* 116:231–234.
–. 2000. "Esarhaddon." In *The Context of Scripture*, vol. 2: *Monumental Inscriptions from the Biblical World*, edited by W. W. Hallo, 306. Leiden: Brill.
Hamori, E. J. 2011. "Echoes of Gilgamesh in the Jacob Story." *Journal of Biblical Literature* 130:625–642.
Haul, M. 2009. *Stele und Legende: Untersuchungen zu den keilschriftlichen Erzählwerken über die Könige von Akkade.* Göttinger Beiträge zum Alten Orient 4. Göttingen: Universitätsverlag Göttingen.
Heeßel, N. P. 2002. *Pazuzu: Archäologische und philologische Studien zu einem altorientalischen Dämon.* Ancient Magic and Divination 4. Leiden: Brill.

Heimpel, W. 1993. "Meluhha." *Reallexikon der Assyriologie* 8:53–55.
Hendel, R. 1987. *The Epic of the Patriarch: The Jacob Cycle and the Narrative Traditions of Canaan and Israel.* Harvard Semitic Monographs 42. Decatur, GA: Scholars Press.
–. 2009. "Other Edens." In *Exploring the Longue Durée: Essays in Honor of Lawrence E. Stager*, edited by J. D. Schloen, 185–189. Winona Lake, IN: Eisenbrauns.
Henkelman, W. 2006. "The Birth of Gilgameš (AEL. *NA* XII.21): A Case Study in Literary Receptivity." In *Altertum und Mittelmeerraum: Die antike Welt diesseits und jenseits der Levante: Festschrift für Peter W. Haider zum 60. Geburtstag*, edited by R. Rollinger and B. Truschnegg, 808–855. Stuttgart: F. Steiner.
–. 2010. "Beware of Dim Cooks and Cunning Snakes: Gilgameš, Alexander, and the Loss of Immortality." In *Interkulturalität in der Altern Welt: Vorderasien, Hellas, Ägypten und die vielfältigen Ebenen des Kontakts*, edited by R. Rollinger et al., 323–359. Wiesbaden: Harrasowitz.
Horowitz, W. F. 1998. *Mesopotamian Cosmic Geography.* Mesopotamian Civilizations 8. Winona Lake, IN: Eisenbrauns.
Huizinga, J. 1936. "A Definition of the Concept of History." In *Philosophy and History: Essays Presented to Ernest Cassirer*, edited by R. Klibansky and H. J. Paton, 1–10. Oxford: Clarendon.
Hurowitz, V. A. 1992. *I Have Built You an Exalted House: Temple Building in the Bible in Light of Mesopotamian and Northwest Semitic Writings.* Journal for the Study of the Old Testament Supplement Series 115. Sheffield: JSOT Press.
–. 2002. Review of *Akkadian Loanwords in Biblical Hebrew*, by P. Mankowski. *Journal of the American Oriental Society* 122:136–138.
–. Forthcoming. "'For These Nations Hearken to Soothsayers and Diviners': Biblical Depictions of Non-Israelite Diviners." In idem., *Ḥôq = Parṣu: Ancient Near Eastern Religious Practice in Biblical Garb.*
Jacobsen, T. 1981. "The Eridu Genesis." *Journal of Biblical Literature* 100:513–529.
Joannès, F., and A. Lemaire. 1999. "Trois tablettes cunéiformes à onomastique ouest-sémitique (collection Sh. Mousaïeff)." *Transeuphratène* 17:17–34.
Jones, H. L. 1960–1969. *The Geography of Strabo*. 8 vols. Loeb Classical Library. Cambridge, MA: Harvard University Press.
Katz, D. 2007. "Enki and Ninhursağa, Part One: The Story of Dilmun." *Bibliotheca Orientalis* 64:567–590.
–. 2008. "Enki and Ninhursağa, Part Two: The Story of Enki and Ninhursağa." *Bibliotheca Orientalis* 65:320–342.
Kaufman, S. A. 1974. *The Akkadian Influences on Aramaic.* Assyriological Studies 19. Chicago: University of Chicago Press.
Kingsley, P. 1992. "Ezekiel by the Grand Canal: Between Jewish and Babylonian Tradition." *Journal of the Royal Asiatic Society*, 3rd. ser, 2:339–346.
Kleber, K. 2008. *Tempel und Palast: Die Beziehungen zwischen dem König und dem Eanna-Tempel im spätbabylonischen Uruk.* Alter Orient und Altes Testament 358. Münster: Ugarit-Verlag.
Kutsko, J. F. 2000. *Between Heaven and Earth: Divine Presence and Absence in the Book of Ezekiel.* Winona Lake, IN: Eisenbrauns.
Lambert, W. G. 1976. "A Late Assyrian Catalogue of Literary and Scholarly Texts." In *Kramer Anniversary Volume: Cuneiform Studies in Honor of Samuel Noah Kramer*, edited by B. Eichler. Alter Orient und Altes Testament 25, 313–318. Kevelaer: Butzon & Bercker.

–. 2005. “Atra-ḫasīs.” In *Cuneiform Texts in The Metropolitan Museum of Art,* volume 2: *Literary and Scholastic Texts of the First Millennium B.C.*, edited by I. Spar and W.G. Lambert, 195–201. New York: Metropolitan Museum of Art.

–. 2007. “A Document from a Community of Exiles in Babylonia.” In *New Seals and Inscriptions: Hebrew, Idumean, and Cuneiform*, edited by M. Lubetski, 201–205. Sheffield: Phoenix.

Landsberger, B. [1926] 1976. *The Conceptual Autonomy of the Babylonian World.* Monographs on the Ancient Near East 1/4. Malibu, CA: Undena.

–. 1967. “Akkadische-hebräische Wortgleichungen.” In *Hebräische Wortforschung: Festschrift zum 80. Geburtstag von Walter Baumgartner*, edited by B. Hartmann et al., Supplements to Vetus Testamentum 16. 176–204. Leiden: Brill.

Lehmann, R.G. 1994. *Friedrich Delitzsch und der Babel-Bibel Streit.* Orbis biblicus et orientalis 133. Freiburg: Universitätsverlag; Göttingen: Vanderhoeck & Ruprecht.

Leichty, E. 2011. *The Royal Inscriptions of Esarhaddon, King of Assyria (680–669 BC).* Royal Inscriptions of the Neo-Assyrian Period 4. Winona Lake, IN: Eisenbrauns.

Lemaire, A. 1986. “Les formules de datation dans Ézékiel à la lumiere de données épigraphiques récentes.” In *Ezekiel and His Book: Textual and Literary Criticism and Their Interrelation*, edited by J. Lust, 359–366. Leuven: Leuven University Press.

Leuchter, M. 2004. “Jeremiah’s 70-Year Prophecy and the לב קמי/ששך *Atbash* Codes.” *Biblica* 85:503–522.

Levenson, J.D. 1976. *Theology of the Program of Restoration of Ezekiel 40–48*. Harvard Semitic Monographs 10. Missoula, MT: Scholars.

Levine, B. 2005. “Assyrian Ideology and Biblical Monotheism.” *Iraq* 67:411–427.

Lewis, T.J. 1996. “CT 13.33–34 and Ezekiel 32: Lion-Dragon Myths.” *Journal of the American Oriental Society* 116:28–47.

Lipiński, E. 2004. *Itineraria Phoenicia.* Orientalia Lovaniensia Analecta 127. Leuven: Peeters.

Liverani, M. 1991. “The Trade Network of Tyre according to Ezek. 27.” In *Ah, Assyria …: Studies in Assyrian History and Ancient Near Eastern Historiography Presented to Hayim Tadmor*, edited by M. Cogan and I. Eph’al, Scripta Hierosolymitana 33. 65–79. Jerusalem: Magnes.

Livingstone, A. 1986. *Mystical and Mythological Explanatory Works of Assyrian and Babylonian Scholars.* Oxford: Clarendon Press.

–. 1989. *Court Poetry and Literary Miscellanea.* State Archives of Assyria 3. Helsinki: Helsinki University Press.

Lundquist, M. 2011. “King Og’s Iron Bed.” *Catholic Biblical Quarterly* 73:477–492.

Luppert-Barnard, S.M. 1999. “Bēl-ēṭir.” In *The Prosopography of the Neo-Assyrian Empire*, vol. 1/II: *B–G,* edited by S. Parpola and K. Radner, 298–300. Helsinki: The Neo-Assyrian Text Corpus Project.

Machinist, P. 2005. “Order and Disorder: Some Mesopotamian Reflections.” In *Genesis and Regeneration: Essays of Conceptions of Origins*, ed. S. Shaked, 31–61. Jerusalem: Israel Academy of Sciences and Humanities.

–. Forthcoming. “ ‘Ah, Assyria …’ (Isaiah 10:5 ff.) Isaiah’s Assyrian Polemic Revisited.” In *Fs. M. Liverani*.

Malamat, A. 1998. *Mari and the Bible.* Studies in the History and Culture of the Ancient Near East 12. Leiden: Brill.

Mankowski, P.V. 2000. *Akkadian Loanwords in Biblical Hebrew.* Harvard Semitic Studies 47. Winona Lake, IN: Eisenbrauns.

Marchesi, G. 2011. "Goods from the Queen of Tilmun." In *Akkade is King: A Collection of Papers by Friends and Colleagues Presented to Aage Westenholz on the Occasion of His 70th Birthday, 15th of May, 2009*, edited by G. Barjamovic et al., Uitgaven van het Nederlands Instituut voor het Nabije Oosten te Leiden 118, 189–199. Leiden: NINO.

Matras, Y. 2009. *Language Contact.* Cambridge Textbooks in Linguistics. Cambridge: Cambridge University Press.

Maul, S. 1997. "Die altorientalische Hauptstadt: Abbild und Nabel der Welt." In *Die Orientalische Stadt: Kontinuität, Wandel*, *Bruch*, edited by G. Wilhelm, Colloquien der Deutschen Orient-Gesellschaft 1, 109–124. Saarbrücken: SDV.

Michalowski, P. 1990. "Presence at the Creation." in *Lingering over Words: Studies in Ancient Near Eastern Literature in Honor of William L. Moran*, edited by T. Abusch, J. Huehnergard, and P. Steinkeller, Harvard Semitic Studies 37, 381–396. Atlanta: Scholars.

Müller, H.-P. 1990. "Parallelen zu Gen 2 f. und Ezek 28 aus dem Gilgamesch-Epos." *Zeitschrift für Althebraistik* 3:167–178.

Nissinen, M. 2003. *Prophets and Prophecy in the Ancient Near East.* Society of Biblical Literature Writings from the Ancient World 12. Atlanta: Society of Biblical Literature.

Oppenheim, A. L. 1977. *Ancient Mesopotamia: Portrait of a Dead Civilization*. Rev. ed. Chicago: University of Chicago Press.

Owen, D. I. 1992. "Syrians in Sumerian Sources from the Ur III Period." In *New Horizons in the Study of Ancient Syria*, edited by M. W. Chavalas and J. L. Hayes, Bibliotheca Mesopotamica 25, 107–175. Malibu, CA: Undena.

Parpola, S. 1997. *Assyrian Prophecies.* State Archives of Assyria 9. Helsinki: Helsinki University Press.

Paul, S. M. 2004. "Daniel 12:9: A Technical Mesopotamian Scribal Term." In *Sefer Moshe: The Moshe Weinfeld Jubilee Volume: Studies in the Bible and the Ancient Near East, Qumran, and Post-Biblical Judaism*, edited by C. Cohen, A. Hurvitz, and S. M. Paul, 115–118. Winona Lake, IN: Eisenbrauns.

–. 2005. "Hebrew (ים)צִיר and Its Interdialectal Equivalents." In *An Experienced Scribe Who Neglects Nothing: Ancient Near Eastern Studies in Honor of Jacob Klein*, edited by Y. Sefati et al., 759–763. Bethesda, MD: CDL Press.

Pearce, L. E. 2006. "New Evidence for Judeans in Babylonia." In *Judah and the Judeans in the Persian Period*, edited by O. Lipschits and M. Oeming, 399–411. Winona Lake, IN: Eisenbrauns.

–. 2011. " 'Judean': A Special Status in Neo-Babylonian and Achemenid Babylonia?" In *Judah and the Judeans in the Achaemenid Period: Negotiating Identity in an International Context,* edited by O. Lipschits, G. N. Knoppers, and M. Oeming, 267–277. Winona Lake, IN: Eisenbrauns.

Pearce, L. E., and C. Wunsch. Forthcoming. *Into the Hands of Many Peoples: Judeans and West Semitic Exiles in Mesopotamia*. Cornell University Studies in Assyriology and Sumerology 18. Bethesda, MD: CDL Press.

Pongratz-Leisten, B. 1994. Ina Šulmi Īrub: *Die kulttopographische und ideologische Programmatik der* akītu-*Prozession in Babylonien und Assyrien im 1. Jahrtausend v. Chr.* Baghdader Forschungen 16. Mainz am Rhein: P. von Zabern.

Pope, M. H. 1955. *El in the Ugaritic Texts.* Supplements to Vetus Testamentum 2. Leiden: Brill.

Postgate, J. N. 1993. Review of D. Bodi, *The Book of Ezekiel and the Poem of Erra*. *Vetus Testamentum* 43:137.

Potts, D. T. 1990. *The Arabian Gulf in Antiquity*, vol. 2: *From Alexander the Great to the Coming of Islam.* Oxford: Clarendon Press.
Rice, M. 1994. *The Archaeology of the Arabian Gulf.* London: Routledge.
Robson, E. I. 1966. *Arrian*. 2 vols. Loeb Classical Library. Cambridge, MA: Harvard University Press.
Salles, J.-F. 2000. "Bahrain, from Alexander the Great to the Sasanians." In *Traces of Paradise: The Archaeology of Bahrain, 2500 BC–300 AD*, edited by M. Rice and H. Crawford, 132–135. London: Dilmun Committee.
Schäfer, P. 2009. *The Origins of Jewish Mysticism*. Princeton: Princeton University Press.
Scheil, V. 1920. "Notes sur quelques textes du Drehem relatifs aux métaux précieux aux bijoux." *Revue d'Assyriologie* 17:207–214.
Segal, M. 2009. "The Chronological Conception of the Persian Period in Daniel 9." *Journal of Ancient Judaism* 2:283–303.
Seri, A. Forthcoming. "Borrowings to Create Anew: Intertextuality in the Babylonian Poem of 'Creation' (*Enūma eliš*)."
Smith, M. 2008. *God in Translation: Deities in Cross-Cultural Discourse in the Biblical World.* Forschungen zum Alten Testament 57. Tübingen: Mohr Siebeck.
Stager, L. 1999. "Jerusalem and the Garden of Eden." In *Frank Moore Cross Volume,* edited B. A. Levine et al., Eretz-Israel 26, 183*–194*. Jerusalem: Israel Exploration Society.
Steiner, R. 1996. "The Two Sons of Neriah and the Two Editions of Jeremiah in the Light of Two *Atbash* Code-Words for Babylon." *Vetus Testamentum* 46:74–84.
Steinkeller, P. 1981. "Studies in Third Millennium Paleography, 2: Signs ŠEN and ALAL." *Oriens Antiquus* 20:243–249.
–. 1984. "Studies in Third Millennium Paleography, 2: Signs ŠEN and ALAL: Addendum." *Oriens Antiquus* 23:39–41.
–. 2012. "New Light on Marḫaši and Its Contacts with Makkan and Babylonia." In *Aux marges de l'archeologie: hommage à Serge Cleuziou*, edited by J. Giraud and G. Gernez, 261–274. Paris: De Boccard.
Streck, M. 2009. Review of *The Assyrian Dictionary of the Oriental Institute of the University of Chicago,* volume 18, *T* (2006), and volume 19, *Ṭ* (2006). *Zeitschrift für Assyriologie* 99:135–140.
Tawil, H. 2006. "Two Biblical Architectural Images in Light of Cuneiform Sources (Lexicographic Note X)." *Bulletin of the American Schools of Oriental Research* 341:37–52.
–. 2009. *An Akkadian Lexicon Companion for Biblical Hebrew: Etymological-Semantic and Idiomatic Equivalents with Supplement on Biblical Aramaic.* Jersey City, NJ: Ktav.
Thomason, S. G., and T. Kaufman. 1988. *Language Contact, Creolization, and Genetic Linguistics.* Berkeley: University of California Press.
Tigay, J. 1983. "An Early Technique of Aggadic Exegesis." In *History, Historiography, and Interpretation: Studies in Biblical and Cuneiform Literatures*, edited by H. Tadmor and M. Weinfeld, 169–189. Jerusalem: Magnes; Leiden: Brill.
Toorn, K. van der. 2001. "Echoes of Gilgamesh in the Book of Qohelet? A Reassessment of the Intellectual Sources of Qohelet." In *Veenhof Anniversary Volume: Studies Presented to Klaas R. Veenhof on the Occasion of His Sixty-Fifth Birthday*, edited by W. H. van Soldt et al., Uitgaven van het Nederlands Historisch-Archaeologisch Instituut te Istanbul 89, 503–514. Leiden: NINO.
Toy, C. H. 1910. "Panbabylonianism." *Harvard Theological Review* 3:47–84.

Tur Sinai, N. H. 1948–1955. *Ha-lashon veha-sefer: Be'ayot yesod be-mada' ha-lashon uvi-meqoroteha ba-sifrut*. 3 vols. Jerusalem: Bialik.

Uehlinger, C. 1987. "'Zeichene eine Stadt … und belagere sie!': Bild und Wort in einer Zeichenhandlung Ezekiels gegen Jerusalem (Ez 4f)." In *Jerusalem: Texte, Bilder, Steine: Im Namen von Mitgliedern und Freunden des Biblischen Instituts der Universität Freiburg Schweiz*, edited by M. Küchler and C. Uehlinger, 111–200. Freiburg: Universitätsverlag; Göttingen: Vandenhoeck & Ruprecht.

Uehlinger, C., and S. Müller Trufaut. 2001. "Ezekiel 1, Babylonian Cosmological Scholarship and Iconography: Attempts at Further Refinement." *Theologische Zeitschrift* 57:140–171.

Vanderhooft, D. 1999. *The Neo-Babylonian Empire in the Latter Prophets.* Harvard Semitic Monographs 59. Atlanta: Scholars.

–. Forthcoming. "Babylon in Ezekiel's Experience and Imagination."

Waerzeggers, C. 2010a. "Babylonians in Susa: The Travels of Babylonian Businessmen to Susa Reconsidered." In *Der Achämenidenhof / The Achaemenid Court: Akten des 2. Internationalen Kolloquiums zum Thema "Vorderasian im Spannungsfeld klassischer und altorientalischer Überlieferungen," Landgut Castelen bei Basel, 23.–25. May 2007*, edited by B. Jacobs and R. Rollinger, Classica et orientalia 2, 777–813. Wiesbaden: Harrasowitz.

–. 2010b. *The Ezida Temple of Borsippa: Priesthood, Cult, Archives.* Achaemenid History 15. Leiden: Nederlands Instituut voor het Nabije Oosten.

Waerzeggers, C., and M. Jursa. 2008. "On the Initiation of Babylonian Priests." *Zeitschrift für Altorientalische und Biblische Rechtsgeschichte* 14:1–38.

Waldman, N. 1984. "A Note on Ezekiel 1:18." *Journal of Biblical Literature* 103:614–618.

Walker, C. B. F. 1981. "The Second Tablet of *ṭupšenna pitema*, an Old Babylonian Naram-Sin Legend." *Journal of Cuneiform Studies* 33:191–195.

Wansbrough, J. 1977. *Quranic Studies: Sources and Methods of Scriptural Interpretation.* London Oriental Series 31. Oxford: Oxford University Press.

Weill, J. 1901. "Les mots תְּפִיָּךְ וּנְקָבַיִךְ dans le complainte d'Ezéchiel sur le roi de Tyr." *Revue des études juives* 42:7–13.

Weinfeld, M. 1995. "*kābôd*." *Theological Dictionary of the Old Testament* 7:22–38.

Westenholz, J. G. 1997. *Legends of the Kings of Akkade: The Texts.* Mesopotamian Civilizations 7. Winona Lake, IN: Eisenbrauns.

Widengren, G. 1950. *The Ascension of the Apostle and The Heavenly Book: King and Saviour III.* Uppsala Universitetsårskrift 7. Uppsala: Lundequistska.

Wilson, R. R. 1987. "The Death of the King of Tyre: The Editorial History of Ezekiel 28." In *Love and Death in the Ancient Near East: Essays in Honor of Marvin H. Pope*, edited by J. H. Marks and R. M. Good, 211–218. Guilford, CT: Four Quarters.

Winitzer, A. 2013. "Etana in Eden: New Light on the Mesopotamian and Biblical Tales in Their Semitic Context," *Journal of the American Oriental Society* 133: 441–465.

Winter, I. 2010. "After the Battle is Over: The 'Stele of the Vultures' and the Beginning of Historical Narrative in the Ancient Near East." Reprinted in I. Winter, *On Art in the Ancient Near East*, vol. 2: *From the Third Millennium BCE*, Culture and History in the Ancient Near East 34.2, 3–51. Leiden: Brill.

Wiseman, D. J. 1974. "A Gilgamesh Epic Fragment from Nimrud." *Iraq* 37:157–163.

Woods, C. 2009. "At the Edge of the World: Cosmological Conceptions of the Eastern Horizon in Mesopotamia." *Journal of Ancient Near Eastern Religions* 9:183–239.

Wunsch, C. Forthcoming. *Judeans by the Waters of Babylon: New Historical Evidence in Sources from Rural Babylonia: Texts from the Schøyen Collection.* Dresden: Islet.
Yon, J.-B. 2011. "Les Tyriens dans le monde méditerranéen à l'époque hellenistique." In *Sources de l'histoire de Tyr: Textes de l'Antiquité et du Moyen Âge*, ed. P.-J. Gatier, J. Aliquot, and L. Nordiguian, 33–61. Beirut: Presses de l'IFPO; Presses de l'Université Saint-Joseph.
Zadok, R. 1981–1982. "Iranian and Babylonian Notes." *Archiv für Orientforschung* 28:134–139.
–. 1985. *Geographical Names according to New- and Late-Babylonian Texts.* Répertoire géographique des textes cuneiforms 8. Wiesbaden: L. Reichert.
–. 1996. "Notes on Syro-Palestinian History, Toponomy and Anthroponomy." *Ugarit Forschungen* 28:721–749.
Zimmerli, W. 1979. *Ezekiel 1: A Commentary on the Book of the Prophet Ezekiel, Chapters 1–24*. Hermeneia. Philadelphia: Fortress.
–. 1983. *Ezekiel 2: A Commentary on the Book of the Prophet Ezekiel, Chapters 25–48*. Hermeneia. Philadelphia: Fortress.
Zimmern, H. 1915. *Akkadische Fremdwörter als Beweis für babylonischen Kultureinfluss.* Leipzig: J.C. Hinrichs.

Bibliographical Postscript

Four studies bearing on different points touched on here came to our attention only after this study was submitted:

George, A.R. 2012. "The Mayfly on the River: Individual and Collective Destiny in the Epic of Gilgamesh," *Kaskal* 9: 227–242.
Kvanvig, H.S. 2011. *Primeval History: Babylonian, Biblical, and Enochic: An Intertextual Reading.* Supplements to the Journal for the Study of Judaism 149. Leiden: Brill.
Patmore, H.M. 2012. *Adam, Satan, and the King of Tyre: The Interpretation of Ezekiel 28:11–19 in Late Antiquity*. Jewish and Christian Perspectives 20. Leiden: Brill.
Sasson, J.M. 2013. "Prologues and Poets: On the Opening Lines of the Gilgamesh Epic," in *Beyond Hatti: A Tribute to Gary Beckman*, ed. B.J. Collins and P. Michalowski (Atlanta: Lockwood), 265–77.

Jonathan Ben-Dov

Time and Culture: Mesopotamian Calendars in Jewish Sources from the Bible to the Mishnah

As befits the ancient homeland of the "Chaldeans," Babylonia produced a rich heritage in the field of the astral sciences. The Jews living in Babylonia and outside it maintained contacts with this rich tradition over the centuries and occasionally expressed them in their literature and culture. The present paper will address these cultural expressions in the field of calendar science and the closely related field of astronomical knowledge, with regrettably no space remaining for a discussion of the astrological tradition. The article will cover cultural contacts from biblical literature through the Second Temple period and early rabbinic sources. I shall not regard the Jewish-Babylonian cultural contacts as cases of "influence," by now an outdated concept;[1] rather, the paper shall trace the participation of Jewish literati in Mesopotamian and general ancient Near Eastern cultural patterns during the first millennium BCE.[2] This view of the relations between cultures does not conceive of the receiving culture as passively "influenced" by the dominant one. The receiving culture rather immerses itself in the discourse of the larger environment, while at the same time maintaining its own national characteristics. This encounter is closely tied to the intricate relationship between a peripheral nation and the prevailing empire, a cultural encounter that has gained much attention in recent research.[3]

Some central questions were left out of the present article due to its exceptionally wide range. Thus I will not be able to discuss the actual mode of transmission, i. e., the agency of specific personae or cultural settings in the contact between Jews and Babylonians.[4] Nor will I discuss here the *Nachleben*

[1] See Satlow 2008.

[2] For a reappreciation of the interface of Jewish and general history, see Rosman 2007.

[3] E. g., Said 1993.

[4] See Ben-Dov 2008a, 245–278. The best (and possibly the only) case for an actual translation and reworking of a cuneiform text into Aramaic is represented in the connection between the astronomical tablet *Enūma Anu Enlil* 14 (henceforth EAE 14) and the Aramaic tables preserved in the Qumran Enoch fragments (the earliest being 4Q208 from the early second century BCE). I discussed this transmission process in detail following Drawnel's pioneering discovery: Ben-Dov 2008a, 169–176; Drawnel 2007, 2011.

For a possibly Jewish scribe by the name of Shemaʿya copying cuneiform scholarly texts in the Achaemenid period, see Ben-Dov 2008a, 273; but cf. Popovic 2010, 110–113. Pliny (*Nat.*

of cuneiform heritage in the Babylonian Talmud and other Aramaic literature from Mesopotamia, despite the fact that many important finds surface in this domain.[5] My study will hardly go later than the tannaitic sources and will focus on sources written in Eretz Israel. Focusing on the Hellenistic-Roman period in Eretz Israel is quite a challenge, because extensive scientific literature will have surfaced there only at the shift between late antiquity and medieval times.[6] It is, however, a productive challenge that has a great potential for elucidating unknown periods of scientific activity in Jewish culture.

A central problem in assessing this material is the distinction between "Babylonian" material and the later amalgam of ancient Near Eastern and Greek traditions, so characteristic of the Hellenistic world. In fact the same problems also pertain to the second millenium BCE, as the provenance of ideas and practices lies between heartland Mesopotamia and the rich heritage of Syria and the Levant. Thus, to take some late examples, the astrological material from Qumran, although incorporating Babylonian knowledge, reflects an ancient astrological *koine* alongside some unique contributions of the Jewish (sectarian) writers.[7] A somewhat similar picture arises from other (broadly) scientific material in the Bavli: compare the Greek dream book detected by Philip Alexander with the cuneiform medicine treatise detected by Mark Geller.[8] What, then, should one conceive of the cultural orientation of the Babylonian Talmud? The situation grows more complicated if, following Jo Ann Scurlock, we accept that even cuneiform science itself became Hellenized during the Seleucid period, and that some late cuneiform texts present a hybrid of local and Greek culture.[9] Jewish texts, like many other cultural products from the East in the Greco-Roman period, are the outcome of a common heritage that adopted elements from various cultural localities and produced a new and previously unattested synthesis. The Jews surely inserted some of their national heritage in the texts they produced, but so did other nations. Among the texts produced in the East – probably also in texts from the European heartland – there is not one single text that can be considered Hellenistic *par excellence*, without any presence of "foreign" elements. Hellenism is no more than the sum of its constituents, and in the present

Hist. 37.60) mentions one Zachalias (= Zacharias?) of Babylon, who wrote books about the power of stones, possibly a version of the series *Abnu Šikinšu*; see Neusner 1965, 1:10. For the personal involvement of the amora Samuel in scientific teaching see Geller 1997; on the *bei abedan* see recently Secunda 2011. The basic studies of the transmission of cuneiform knowledge westwards remain Geller 1997; Pingree 1998.

[5] E. g., Geller 2004; Rochberg 2000; and my own small contribution, Ben-Dov 2010.

[6] Langermann 2002, and very differently Bar-Ilan (2010), who places the height of scientific activity in Byzantine Palestine long before the Islamic conquest. The work by Beller (1988) is convincing with regard to late talmudic and early medieval materials, less so with regard to the earlier phases of the argument.

[7] See Popovic 2007; Leicht 2006, 9–38; Jacobus 2010.

[8] Alexander 1995; Geller 2000.

[9] E. g., Scurlock and Al-Rawi 2006.

case the constituents, or at least some of them, come from the East. All we are able to see is a continuum of texts, some of which lie closer to earlier "oriental" models while some are closer to the earlier Greek models. Indeed, we are often surprised to find Greek or Babylonian models in unexpected places, a situation that requires a revision of the common map of the origins of knowledge. Thus, for example, the presence of Babylonian-type lunar texts in Roman Egypt as late as the fourth or fifth century CE, long after these models were purportedly superseded by Ptolemy's *Almagest*.[10] It turns out that astrologers kept using the old, arithmetical models, and did not pay heed to Ptolemy's geometrical models. The very distinction between Babylonian or Greek provenance is put in question here: after three centuries of circulation of originally Babylonian astronomy in Greek and Demotic, should it still be considered "Babylonian"? In fact it is as Greek as Ptolemy's calculations! One should thus come to terms with the powerful *koine* that prevailed in the ancient world in matters of popular astronomy.

Throughout the dense web of intercultural connections in Hellenistic and Roman times, it is often the case that the products of a specific cultural contact continue through later centuries, and then gain renewed power as part of the intellectual world of a different cultural paradigm. The best example in the present context is the role of primordial culture heroes like Enoch in the legitimization of the sciences. While the initial depiction of Enoch as the inventor of astronomy depended on such Mesopotamian figures as the *apkallū* and the primordial sages Enmeduranki, Adapa, and others, this cultural trope found fertile ground in the framework of the Greek search for a *protos heuretes*.[11] It is through this lens that the motif persists in later Jewish-Hellenistic literature. Once again we see how the case for labeling cultural phenomena according to their origin should be handled in a very careful manner.

The article is arranged in chronological order, beginning with several calendrical themes introduced into Jewish calendars as a result of the encounter with the Mesopotamian empires of the mid-first millennium BCE. These themes persisted throughout centuries of Jewish calendrical discourse. I shall then move to topics that are more explicitly astronomical, beginning with a recapitulation of my earlier studies on the Jewish 364-day calendar tradition and its Mesopotamian antecedents. I shall then continue to assess the possibility that Mesopotamian elements are expressed – whether directly or obliquely – in the tannaitic discourse on the sighting of the new moon. This topic was preliminarily studied in the past, in a pioneering article by Wacholder and Weisberg, which, however, requires modification.[12] Finally I shall attempt to produce a synthesis of the

[10] Jones 1999, 2002.

[11] For the Mesopotamian origins of the tradition, see VanderKam 1983; Kvanvig 1988, 2011. For its adaptation in the Greek context see van Kooten 1999; Reed 2004; McCants 2011.

[12] See Wacholder and Weisberg 1971; more recently, Stern 2012a and the discussion below.

various finds: the transfer of scientific knowledge and its cultural meaning in an imperial context.

1. Local Calendars in an Imperial Context

Calendars have always and everywhere been connected with power and governance, and are thus a gold mine for scholars who have an interest in power relations.[13] Empires had an obvious interest in enforcing their administrative calendar throughout the provinces, and indeed some provinces succumbed to this interest without further ado. Other provinces, however, promoted the opposite interest, perpetuating their old national customs. Empires sometimes found it appropriate to promote the imperial calendar as a representative of the empire's policy, anchoring it in royal ideology and supporting it with administrative measures. This move has been demonstrated in Roman history, recently in the work of Jörg Rüpke and Adrian Wallace-Hadrill.[14] While the documentation for similar moves in early Jewish history is less extensive than the Roman case, I suggest that here too the calendar can be seen as an instrument in power relations between Jews and the empires. Naturally, discussion in this field is more directly connected with civil-administrative aspects of the calendar than with astronomical theory.

The encounter with the Mesopotamian calendar – at a time when the standard Babylonian calendar gained hold throughout Mesopotamia – is attested already within the Hebrew Bible. There are signs that this cultural contact occurred during the formative stages of biblical priestly literature, hence it also played a role in the formation of the Pentateuch. The main feature discussed here is the essential structure of the Mesopotamian year: the year is divided into two halves, with the beginning of each of these two parts (months *Tishri* and *Nissan*) celebrated by a complex of festivals. These festivals, designated *akītu*, or *zagmukku* for the New Year, involve an elaborate complex of mythological, political, and ritual elements in what may be considered the pinnacle of the Babylonian cultic year.[15] While it was formerly held by scholars that the Babylonian year focused on a spring ritual only, it is now becoming clear that the ritual year was bi-focal.[16] A spring beginning of the year remains unmistakable in its use for counting regnal

[13] After the completion of the present article, the topic was magisterially discussed in Stern 2012b.

[14] Rüpke 1995, 2006; Wallace-Hadrill 1997, 2005. For a different treatment of calendrical imperial ideology, see Steele 2012.

[15] For the *akītu* see, inter alia, van der Toorn 1991; Cohen 1993, 400–453; Pongratz-Leisten 1994; Zgoll 2006; Ben-Dov 2008b.

[16] For the division of the festival year into two parts in Mesopotamia, see SAA VIII 185 and Cohen 1993, 400; Cavigneaux and Donbaz 2007.

years and other civil purposes, but in terms of ritual the autumn equinox was as important as the spring one.

A bi-focal cultic year appears in the festival calendar of Ezekiel, himself a resident of Babylonia and a connoisseur of its intellectual marvels.[17] In his vision of the future temple and its cultic rules, Ezekiel arranges the cultic year around two foci in the first and seventh months respectively, with a central festival in each of them, preceded by a festival of purification in the spring focus (Ez 45:18–20). This is clearly a Babylonian arrangement, which was foreign to the ancient Israelite conception of the cultic year as structured by three agricultural pilgrim festivals (Ex 23:14–19; 34:18–23). Indeed the festival calendar of Leviticus 23 transforms the cultic year from the old tripartite edifice to a bi-focal structure, with great bulks of cultic activity concentrated in months 1 and 7.[18] It is this structure of the year that persists in postbiblical festival calendars, notably that of the Temple Scroll.[19]

Not only the structure but also the contents of the Babylonian cultic festivals may be reflected in the Jewish material. The activities and symbolic meaning of the Jewish cultic complex of Rosh ha-Shana and the Day of Atonement, as represented for example in the Mishnah, bear an interesting resemblance to those of the Babylonian *akītu*. The shared elements in the respective festivals are the renewal of kingship (whether human or divine), the meeting of the divine court in order to conclude the fate of the upcoming year, and purification of the Temple complex in preparation for the major festivals.[20] It is not entirely clear how much of this content was embedded in the Tishri festivals already within the Hebrew Bible, and how much of it developed gradually in postbiblical times.[21] Be that as it may, the curious fact that the "Babylonian" content of the New Year and the Day of Atonement appears in the most explicit manner in the Mishnah requires further reflection. It should be noted, however, that not all the themes are culture-specific, and thus the direct dependence on Mesopotamian rituals cannot be unequivocally proven. One may need to speak of an ancient Near Eastern *koine*

---

[17] See the article by Abraham Winitzer in this volume.

[18] For this view of Lev 23 see Nihan 2008, 212–219. The Babylonian orientation of the ritual year in Lev 23 was pointed out previously by Wagenaar (2005).

[19] See Knohl and Naeh 1993, but cf. Werman and Shemesh 2011, 288–296.

[20] Notably, the most comprehensive study of this topic is still Snaith 1947; see also Körting 1999, 190–210. The motif of concluding the fate of the country in Tishri is grounded already in Old Babylonian contexts, as detailed by Cavigneaux and Donbaz (2007). In this article one finds much new material on the festival of "the seventh day in the Seventh month." However, not all parallels with the Jewish material raised in that article are compelling.

[21] Knohl (2007, 37) is of the opinion that the element of judgment is implied already in Lev 23. In contrast, Werman detected signs within tannaitic literature that the motif of divine enthronement is a late addition to the liturgy of Rosh ha-Shana: Werman and Shemesh 2011, 288, n. 33. Werman seeks an explanation for the development of the rabbinic Rosh ha-Shana without recourse to external influence.

of rituals, in which the Hebrew Bible and ancient Judaism took part, rather than of unique Babylonian customs.[22]

Having acknowledged the possible presence of Mesopotamian elements in the design of the Jewish New Year ritual, the question remains what the cultural background was that necessitated the reception of these elements, and in what way they were merged into the texture of early Judaism. These questions are not easy to answer in the present state of our knowledge. Forced adoption of Babylonian festivals can be left out of the discussion, as this was not usually the habit under the empires from the east. The reception of calendar practices would be considerably easier where administrative functions, rather than cultic practices, are involved, as in the following examples.

Elias Auerbach, a medical doctor from Haifa, published a series of influential articles in the 1950s that in many ways set the stage for the present study of biblical calendars. Auerbach claimed that following the Babylonian conquest of Judah in 605–604 BCE, the beginning of the year was transferred in the Judahite calendar from the autumn – the common West Semitic New Year – to the spring, in order to fit Mesopotamian imperial practice.[23] In addition the northern kingdom of Israel and the southern kingdom of Judah seem to have disagreed about whether the beginning of the year was to be celebrated in the autumn or in the spring.[24] It seems clear that the agricultural year began in the autumn, as indicated in the Gezer calendar and elsewhere across the Levant. However, at some stage in the standard biblical menology the beginning of the year shifted to the spring, both for cultic purposes and for administration: in the cult, the spring New Year is attested in places such as Ex 12:2, which is quite clearly a late insertion into the laws of Passover;[25] in its administrative function, this New Year is attested in chronistic statements such as 2 Kgs 15:8, 13.[26] It is unclear how deeply the spring New Year was rooted in Judah before the Babylonian conquest, but the conjunction of the spring New Year with that conquest certainly seems suggestive. We should note that from the Babylonian conquest onwards, Jews living under Babylonian and Achaemenid rule generally followed the imperial calendar, not only in civil acts requiring correspondence with the schedule of non-Jewish associates, but also in terms of fixing the date of Jewish festivals.

---

[22] See Ayali-Darshan 2013. For concrete examples of West Semitic calendrical elements in the Hebrew Bible, see Fleming 1999.

[23] Auerbach 1959. This view was endorsed, inter alia, by de Vaux (1961, 190–193), but rejected by Tadmor (1962, 263–267), and see earlier bibliography cited by Tadmor; cf. Albani 2006, 111–156. For a dissenting opinion on the antiquity of the autumn New Year see Clines 1974.

[24] For much of this discussion with bibliography and new reasoning, see Galil 1996, 108–126.

[25] See Gesundheit 2012.

[26] Cf. Tadmor 1962, 267.

Jews under these empires felt no need to dissociate themselves from their neighbors in terms of their national time-reckoning.[27]

While the Babylonian (thus also Achaemenid) year began in the spring, the Seleucid calendar began in the autumn; this change is reflected in an Aramaic inscription from Maresha from the Hellenistic period.[28] The Jewish tradition presents an elaborate history in this respect: while earlier Jews propagated a spring New Year – possibly after shifting it from the even earlier West Semitic autumn New Year – the rabbinic stance (mRosh 1:1) places the New Year, for most purposes, in Tishri in the autumn, as in the Seleucid calendar. This phenomenon suggests that Jews maneuvered between the various imperial calendars. Whatever the origin of the mishnaic autumn New Year, it cannot be understood in isolation from its political-imperial background. This act, however, was harder to sustain under the Roman Empire, when the Roman governor of Asia, Paullus Fabius Maximus, published an imperial decree to begin the year at the birthday of Augustus on September 23,[29] or when the Julian year was declared to begin in the winter. The rabbis certainly had to cope with this imperial ideology and coercion.

Month names constitute yet another point of contact with the Neo-Babylonian and related calendars. As is well known, the adoption of Babylonian month names among Jews appears already in late biblical literature, either in date formulas employed by the primary author or as later glosses that were meant to clarify the original formulas.[30] At the same time, other biblical texts – mainly priestly – use ordinal numbers rather than names as indications for months. The entire priestly festival calendar is constructed using this menology, which marks the beginning of the year in the spring.[31] While late biblical literature tends to use both numbered months and named months side by side, a distinction was stabilized in later Jewish practice: priestly circles of Second Temple Judaism continued using the pentateuchal numbered months only, while rabbinic writings used the Babylonian month names only.[32] The gap between the rabbinic dates and the biblical ones caused considerable complexities for rabbinic authors, as can be seen from the list of four different New Year days in the Mishnah (Rosh 1.1) and its various talmudic ramifications.

---

[27] See Ben-Dov, 2013a; for Jews in the Hellenistic cities see Stern 2001, 25–27. This was the case as long as the empires were using lunisolar calendars. As Stern demonstrated, the Jews living under Ptolemaic and later Roman rule were forced to find a different solution, and consequently produced a novel reflection about the calendar as a marker of national identity.

[28] Lemaire 1998, 79.

[29] Stern 2012a, 274–284.

[30] See Lemaire 1998 and compare Talshir and Talshir 2004.

[31] Notably, this system is used not only in priestly literature but also in more "secular" narratives, such as Jer 36:9, 22 (MT).

[32] Date formulas in the book of 1 Maccabees are not entirely consistent, but in general numbered months are preferred, maybe in an attempt to lend a biblicized atmosphere to the book.

The Jewish adoption or rejection of the Babylonian menology should not be seen as a *sui generis* problem, resulting from uniquely Jewish reasons that have to do with monotheism and religion. Rather, various reactions to the Babylonian month names were widespread in the Levant. Babylonian month names were adopted in part or in full all over the Levant, beginning in the second millennium BCE and surviving into the calendar of eastern Hellenistic kingdoms, and later in Syriac and even Muslim calendars.[33] The numbered month names, which many scholars consider to be a typically Jewish phenomenon, are now attested in Aramaic ostraca from the Neo-Assyrian empire and must have had wider circulation in the Aramaic East.[34] Moreover, it seems that the month names as they appear in Jewish calendars are not in their Akkadian forms but rather in Aramaic forms, which are often unintelligible in Akkadian. Thus they were not adopted as part of a direct encounter with cuneiform culture, but rather as part of an Aramaic canon, probably under the administration of the Achaemenid empire. The rabbinic statement "The names of months – they brought with them from Babylon" (yRosh 56d), while probably true, may convey more cultural confrontation than we can safely assume.

Was the Jewish experience in this respect essentially different from that of contemporary nations in the Levant? Matthias Albani claimed that the Jewish choices in calendar making under the Neo-Babylonian Empire were not mere political maneuvers but rather a series of theological and ideological acts, intricately devised in order to oppose the polytheistic calendar practices while forging a new sense of a "Jewish Calendar."[35] However, in most of the cases discussed by Albani – such as the numbering of months, the shift of the New Year, and so on – there is no compelling evidence that the Jewish response to the imperial calendar was essentially different from that of other Levantine nations, which struggled with the same kind of problems, but whose national heritage was not so well preserved. Efforts should be made to collect evidence from other ancient peripheries, examining how they coped with the imperial calendars from Mesopotamia, and how this evidence stands with regard to the Jewish material.[36]

Excursus: Intercalation and Royal Power

Intercalation is required in order to fix the dates of the festivals when, as is common, the lunar months lag behind the march of the seasons. This act was per-

[33] See Cohen 1993, 297–305; for Babylonian month names in Ugarit see ibid., 380, and Vita 1998, 50–53. For month names in the eastern Hellenistic states see Samuel 1972, 171–188.

[34] Compare Albani 2006 with Lemaire 1998, 67–68. Cf. Cohen 1993, 386.

[35] Albani 2006.

[36] Such methodology was introduced by Stern 2001, esp. 24–46, and developed in Stern 2012a.

formed in ancient Mesopotamia as an *ad hoc* decision of the king and the court astronomers. The authority of the king as responsible for the regulation of times was emphasized in this pronouncement. A 19-year intercalation cycle emerged gradually in Mesopotamia during the fifth century BCE, at which time the authority of the king in calendrical matters naturally declined.[37] An equivalent development is recorded in the Jewish calendrical tradition, albeit at a much later date and derived from entirely different historical circumstances. Tannaitic and amoraic sources do not acknowledge a fixed scheme for intercalation, but rather depict it as an announcement by the rabbinic powers based on observations of climatic conditions and other seasonal markers.[38] Since both the cuneiform and the rabbinic cultures stress the role of the political authority – the Mesopotamian king and the rabbinic *nasi'* or *beit din* – in enacting the intercalation, it is worthwhile to point out an anecdote that has to do with the negative evaluation of the intercalation enacted by past kings.

As noted by Wacholder and Weisberg, the rabbinic tradition did not permit intercalation in any month except Addar. It did acknowledge, however, that intercalation in Ellul is possible, or at least had been possible, but rejected this practice as illicit. This is the apparent meaning of the statement attributed to Rav (bRosh 19b, quoted also elsewhere): מימות עזרא ואילך לא מצאנו אלול מעובר, "from the days of Ezra onwards we did not see an intercalated Ellul," i. e., the insertion of a second Ellul.[39] This habit makes it clear that intercalation was required in order to keep Passover in place according to the "Rule of the Equinox," rather than to anchor the Tishri New Year in its proper seasonal position. A passage in the cuneiform astronomical compendium MUL.APIN draws attention to several practices in this regard and their historical precedents:

> An intercalary Nissanu (belongs to) the reign of Šulgi
> An intercalary Addaru (belongs to) the reign of Amurru
> An intercalary Ululu (belongs to) the reign of the Kassites[40]

---

[37] Steele (2012) demonstrates the royal role in intercalation and in announcing the length of the month. He suggests that the establishment of a fixed intercalation scheme has to do with the virtually contemporaneous loss of native kingship in Babylonia to foreign empires, and that this kind of act would have been inconceivable had a native king been in power.

For the 19-year intercalation cycle, see Britton 2007, improving on the preliminary findings of Wacholder and Weisberg 1971. The latter authors are not correct in claiming (p. 237) that the Babylonian calendar was intercalated in a similar order to the later Jewish practice, i. e., in the years 3, 6, 8, 11, 14, 17, 19 (גו״ח אדז״ט). Britton (2007, 123) proved that the pattern in the fifth through third centuries BCE was: 1, 3, 6, 9, 11, 14, 17. In addition, the Jewish practice was not fixed on גו״ח אדז״ט from the very beginning; see Gandz 1970, 91–96.

[38] For the tannaitic intercalation, see Stern 2001, 160–162.

[39] This meaning was justly recognized by Wacholder and Weisberg (1971, 237), but not fully embraced by Stern (2001, 165). I find the evidence of Wacholder and Weisberg compelling.

[40] MUL.APIN II ii 18–21; Hunger and Pingree 1989, 96, 153.

In this passage three possible months for intercalation are indicated and associated with prominent past kings. It was preferable to intercalate Addaru or Ululu in order to fix the year just before the main ritual complexes in Nissanu and Tašritu. The intercalation of Nissanu, in contrast, is considered a last resort, occurring in case a mistake in the calendar regulation is discovered at the very last minute, when the festival is just about to start.[41] I cannot explain why the intercalation of Addaru and Ululu is associated with the Kassites and Amurru. However, the intercalation in Nissanu is associated with Šulgi, a model king from the distant past, because of the frequent association of this king with a breach of ritual ordinances.[42] The intercalation of a second Nissanu is added to Šulgi's long list of sins in temple maintenance. Interestingly, the rabbinic tradition uses a similar evaluation with regard to King Hezekiah of Judah, who intercalated after Nisan had already started: עיבר ניסן בניסן (tPes 8.2; tSan 2.6, and many parallels). This story relies on the biblical narrative in 2 Chr 30, which does not necessarily refer to intercalation.[43] In the rabbinic tradition, however, it is considered a sinful act because "one does not intercalate (any month) but Addar" (tPes ibid.). The mention of this obscure calendrical practice and its association with a model past king suggests that ancient patterns of the act of intercalation remained in cultural memory throughout the Greco-Roman period.

An interesting feature of rabbinic intercalation in comparison with Babylonian practice is the conspicuous absence of stars and stellar observations from the paradigms of intercalation. In contrast, star charts had been a significant consideration for intercalation in the pre-calculated phase of the Mesopotamian calendar. For example, in the words of the Neo-Assyrian astronomer Balasi (SAA VIII, 98 rev. 8–10): "Let them intercalate a month (*līdrurū*)! All the stars of the sky have fallen behind. Adar must not pass unfavorably; let them intercalate!" Several concrete rules for intercalation on the basis of star charts are known from cuneiform sources of the late second and early first millennium BCE, which are well grounded in the earlier Astrolabe tradition.[44] These sources anchor the structure of the year in both the seasons and stellar phenomena. In contrast, stellar criteria for intercalation are entirely absent from rabbinic literature. In tannaitic literature intercalation is fixed by natural and agricultural conditions,

[41] Indeed, the *akītu* in Nissanu began only on the fourth day of the month, at the rise of the star *ikû*, with the first days of the festival dedicated only to cleansing the temple in preparation for the festival. Wayne Horowitz suggested (in a class at the Hebrew University of Jerusalem, 2005) that the priests allowed four days from Nisan 1 to the appearance of the star, which marks the beginning of the month; if the star did not appear in these four days, there was no other choice but to intercalate. Other intercalation rules from Mesopotamia are based on the appearance of stars within the initial days of the month (e. g., MUL.APIN II GapA 8–ii 6).

[42] Waerzeggers 2011, 740; Glassner 2004, 270.

[43] Compare Talmon 1958 with Segal 1957.

[44] For intercalation rules, see the bibliography in Ben-Dov 2008a, 164. For the Astrolabes, see Horowitz 2007.

while talmudic sources stress the timing of the spring equinox, but both ignore the stellar markers.[45] This difference between the cuneiform and the rabbinic evidence may be explained in two ways. It is possible that in later periods, as the 19-year cycle gained increasing importance in practice, there was no need to correlate the intercalation with stellar phenomena anymore. With the calendar seen as a lunar and solar phenomenon, the stellar aspects that had been earlier associated with intercalation could be practically dismissed. Greek and Roman literature, in contrast, continued the tradition of tying the march of the year to both stellar phenomena and weather conditions.[46] Alternatively, it might be the case that the early rabbinic tradition retained the old Jewish abstinence from stars and planets, as part of the development of monotheism, similar to the practice in the Enoch tradition and at Qumran.[47]

2. The Week, the Pentecontad, and Their Trajectories

We shall now dwell shortly on a fundamental aspect of time-reckoning in biblical religion and in early Judaism: the Sabbath, the week, and the pentecontad. Its ancient roots notwithstanding, this aspect became the most central challenge faced by later Jewish calendars: what is the correct way to integrate the days of the week into the structure of the year? While this problem is certainly a product of Jewish thought and practice, it is important to determine the level of involvement of non-Jewish elements in it.

The task is more easily done with the pentecontad (7×7 days or years $+ 1 = 50$) count of time, a topic which I have studied elsewhere and will only relate here briefly.[48] The pentecontad was allegedly an ancient Amorite practice, shared by West Semitic ethnicities and influential also in heartland Mesopotamia. Such was the opinion of Hildegard and Julius Lewy in a 1942 article that still exercises some influence among Bible scholars.[49] According to the Lewys, the time-unit *hamuštum* attests to the practice of a pentecontad count in the Old Assyrian culture. However, it is now clear that no pentecontad count existed either in Assyria

[45] Stern 2001, 160–162, 167–170.

[46] See Lehoux 2007.

[47] For this inclination in *1 Enoch* see Albani 1994, 248–260; Ben-Dov 2013b; contra Böttrich 1997. It is curious to see that the *parapegma* in *1 En* 82:8–20 (continued in the Aramaic fragment 4Q211 ii–iii) corresponds with the regular order of Greek *parapegmata*, and even mentions the stars as "leading the seasons" (82:4–8), but avoids altogether mentioning the names of stars, replacing them instead with angels (see Ben-Dov 2013b).

[48] Ben-Dov 2011 with earlier bibliography.

[49] Lewy and Lewy 1942–1943. In recent literature, Veenhoff (1995–1996) concluded that the *hamuštum* designated a seven-day week. This opinion, which gained much influence in scholarship, was recently rejected by Dercksen (2011). According to Dercksen, *hamuštum* refers to either a six-day or ten-day period, while in other cases it designates a month.

or in Babylonia. The pentecontad was created by the priestly writers of the Holiness Code (Lev 23 and 25)[50] as part of their ongoing reflection on the number seven and its inherent value in world order. This concept, in turn, persisted with modifications in various Jewish milieus of the Hellenistic period, both in festival calendars (notably in the *Temple Scroll*) and in long-term historical overviews (*Apocalypse of Weeks*, *Melchizedek*, etc.). The use of pentecontad time periods in the above-noted sources does not amount to a full-fledged construction of a pentecontad year, which developed not before the Roman period, possibly in Philo and quite probably later in the festival cycles of early Christianity.

A more substantial question, which can only be minimally touched on in the present context, is the possible origin of the institution of *šabbat* in Mesopotamian religion, specifically in the Akkadian term *šapattum*, "fifteenth day of the month." This is an intensely debated issue whose symbolic significance is so great that in many ways it became an emblem of the entire *Babel und Bibel* approach: is the Sabbath an original Jewish institution or is it the case that even this most celebrated Jewish concept is the heritage of a foreign culture? A prevalent opinion claims that the Sabbath descends from the Mesopotamian *šapattum*, sometimes called *ūm nūh libbi*, "the day of the rest of the heart."[51] In addition, it is commonly claimed that in preexilic Hebrew literature the term *šabbat* related to the full moon (e. g., 2 Kgs 4:23, Hos 2:13), and that accordingly in preexilic Israel the main periodical celebrations were held at the full and new moon (חדש ושבת), in accordance with some Phoenician records. Only during the Babylonian exile was the *šabbat* transformed to a week of seven days, and commemorated as such in the priestly literature of the Pentateuch and other postexilic biblical passages.[52] Jewish priests – so it is claimed – were exposed in Babylon to an intensive local scholarly tradition involving the number seven and its derivatives, which eventually led to the invention of the seven-day Sabbath.

Adherents of the *Babel und Bibel* school traced the origins of the Sabbath to Mesopotamian astral religion. The term *šapattum* belonged to a series of festivals celebrated in Mesopotamian religion at the four monthly phases of the moon, and thus also more or less in seven-day intervals. Such festivals were called èš-èš in the early period and then continued as *eššešu* festivals in the later tradition.[53] In addition, seven-day intervals are invoked – albeit non-regularly – in the hemerologies; they are mentioned in the Old Babylonian epic of Atrahasis (1.205–206: this text mentions the days 1, 7, 15 only); and still appear in dif-

[50] It was recently claimed that also the seven-day framework of Gn 1 belongs to the Holiness Code; see Amit 1997; Cooper and Goldstein 2003.

[51] See Pinches 1904; Meinhold 1909; Andreasen 1974; for a concise recent expression of this opinion with extensive bibliography, see Körting 2008. On this point in the *Babel-Bibel* debate see Shavit and Eran 2003, 172–175. Note that this opinion in its strongest form not only claims for the borrowing of terms, but rather for the borrowing of the entire cultural institution.

[52] See recently Albani 2006; Feldman 2009; Cooper and Goldstein 2003.

[53] See Linssen 2004, 45–51, with earlier bibliography cited there.

ferent garb in Neo-Babylonian cultic texts.[54] What had originally been a lunar festival was transformed by the Judeans into a more historical and social, or at least nonnatural occasion.

A significant central change in approach is dictated by recent research about West Semitic sources, as it is now acknowledged that, beginning already in the early second millennium BCE, Syria and the Levant constituted an independent and influential cultural sphere that interacted with Mesopotamia. Early Levantine thought and practice attest to the celebration of seven-day or seven-year units, which correspond with the *šabbat* more closely than their Mesopotamian counterparts.[55]

The pan-Babylonian position is put in doubt by the fact that the cuneiform evidence does not tally with the uniquely Israelite conception of the *šabbat*. The *verbal* similarity of Hebrew *šabbat* with Akkadian *šapattum* is insufficient to assert a common origin for the respective religious *institutions*.[56] In addition, recent scholarship curbs the tendency of the older schools in comparative religion to overemphasize the importance of astral elements.[57] While the Judaic experience in exile was fashioned by the Neo-Babylonian mode of thought to a great extent, the evidence for the presence of formative Babylonian ideas in the specific institution of the Sabbath is simply not good enough.[58] Never in the Mesopotamian tradition do the lunar festivals or days of rest occur precisely seven days apart: sometimes there are only three festivals every month, while sometimes the four festivals are irregularly spaced six to eight days apart, because of the essential incongruity of the weekly cycle with the lunar numbers 29/30. In addition, it is unclear whether Babylonian scholars in the Neo-Babylonian or Achaemenid periods indulged in seven-based numerical speculation to the extent that would lead their (hypothetical) Jewish colleagues to the invention of the Jewish Sabbath.[59]

I am therefore inclined to think along the following lines. The Hebrew word *šabbat* is a cognate of Akkadian *šapattum*; it is not a fruit of Akkadian influence

---

[54] For the latter festivals in Uruk see Beaulieu 1993, 80–81.

[55] Fleming 1999, 2000; Grund 2011, 29–43.

[56] The most eloquent speaker for this opinion is Hallo (1977).

[57] For a balanced discussion of astral religion in Ancient Mesopotamia see Rochberg 2009. Recently Jeff Cooley (2011) evaluated the case for astral religion in Ancient Israel, and concluded that such a layer of religion was indeed dominant in Israelite religion, but that – contrary to earlier scholars – it was not the fruit of Mesopotamian influence but rather a manifestation of a local West Semitic tradition. His work is strongly influenced by Smith (2001).

[58] For the fashioning of the Judaic mind under the Neo-Babylonian kingdom, see mainly Machinist 2003; contrast Oded 2010, 227–342.

[59] Or, to continue this argument, I am not sure that the Babylonian speculation around the number seven had more effect than the septenary ideas that the Judaic exiles had carried with them from their West Semitic background. For the number seven in Mesopotamia see, initially, Hehn 1907; later Horowitz 2006; but cf. Waerzeggers and Siebes 2007; further Cavigneaux and Donbaz 2007.

but rather existed independently. It is plausible that in preexilic times the term *šabbat* refered to the full moon. The seven-day version of this institution, as attested in the priestly writings and the editorial layers of the Pentateuch, is not a converted Babylonian concept, but rather an independent Judaic development, possibly with West Semitic roots. It was carried forward with the growing force of speculation on the number seven (and numerical speculation in general) in Jewish priestly circles.

3. The 364-day Calendar Tradition and Its Mesopotamian Antecedents[60]

While other sections of this article involved the Babylonian lunisolar calendar that dictated civil and religious life, the present section deals with more scholarly calendar systems. Whatever intercultural contacts we discover in this field were not due to the coercive force of the imperial administration, but rather to more voluntary modes of knowledge transmission. After all, as Popovic reminds us, texts do not influence texts, but rather people influence people.[61] If intellectual knowledge from Mesopotamia is present in Hellenistic Judea, we should inquire why it was needed in Judea, and why would somebody be interested in learning and further developing it.

The Mesopotamian tradition knew a schematic calendar of 360 days that was used for astrological and astronomical calculations, of the sort invoked in the compendium MUL.APIN around the end of the second millennium BCE. It consisted of twelve months of equal length, thirty days each. The schemes of traditional Mesopotamian astronomy are all constructed as variations on this theme. Only later in the first millennium, with the introduction of a fixed, accurate, and pre-calculated calendar, did that tradition begin to take into account more accurate year lengths.[62] Horowitz claimed that at some stage this tradition also employed a 364-day calendar, of the sort that appears later in Jewish sectarian texts from Qumran and the Pseudepigrapha.[63] The Jewish manifestation of this tradition maintained the older Mesopotamian models of astronomical phenomena, despite the fact that these models had originally been intended for a 360-day year. The number of 364 days was constructed by adding the four cardinal days to the count of 360 days in the year (*1 En* 75:1–2, 82:4–6). Its great advantage in Jewish (apocalyptic?) eyes was its divisibility by seven, thus constructing a

[60] This section summarizes my earlier work, mainly in Ben-Dov 2008a, referred to in the footnotes.

[61] Popovic 2010.

[62] See Britton 2001, 2007, for the various year lengths used in Mesopotamia as well as for the definition of the different calendars: civil, administrative, schematic.

[63] Horowitz 1996; Ben-Dov 2008a, 35–44.

purely sabbatarian calendar. This calendar required neither observation nor any other human reinforcement, but rather stood by divine fiat, in complete harmony with the order of the world (*1 En* 72:1, 82:4–8, *Jubilees* 6:29–36).

This Jewish calendrical-astronomical tradition inherited from its Mesopotamian predecessor the periodic models for a long list of phenomena, mainly the length of day and night, the place of the sun (and the moon) on the horizon, and the duration of lunar visibility.[64] This material is covered in the Aramaic "Astronomical Book" (second century BCE with earlier forerunners), presently contained in *1 Enoch*, and to a smaller extent also in the Qumran scroll 4Q317. The level of continuity between the Babylonian material and the Aramaic texts is impressive, especially with regard to the lunar visibility tables of EAE 14 and the so-called "intercalation schemes" of MUL.APIN. Especially in the lunar visibility sections it seems that the Aramaic text preserves a sort of translation and adaptation of the original.[65] Within the Dead Sea Scrolls were found several calendrical texts that reflect a different Babylonian technique, that of the Lunar Three.[66] This set of data was often used in Mesopotamian astronomy of the mid-first millennium BCE, but was not part of the earlier compendia MUL.APIN and EAE. The use of Mesopotamian astronomical materials in the Jewish apocalyptic tradition dovetails with the appearance of other Mesopotamian elements in that corpus, mainly in the myths of Enoch and the Watchers (i. e., the fallen angels). It seems that the apocalyptic milieu was enthusiastic to preserve ancient materials with a non-Israelite scent in them, and thus enabled modern scholarship a glimpse at some of these traditions from a time in which they were otherwise unknown.

The astronomical material preserved in the Jewish sources belongs mainly to one particular branch of the Mesopotamian discipline: that of nonmathematical astronomy, which is rarely interested in, or equipped for, producing accurate predictions. Nonmathematical Babylonian astronomy formed a *koine* of popular astronomy throughout many parts of the ancient world: Persia, India, Greece, Egypt, and as it seems now also Israel.[67] The branch of nonmathematical prediction texts (horoscopes, almanacs, Goal-Year texts, etc.) is represented to a very small extent, if any, in the Jewish material. The crown jewel of Babylonian astronomy, the Astronomical Cuneiform Texts (ACT), are not represented at all in the Jewish material. Furthermore, the Jewish 364-day calendar tradition does not make any use of the zodiac, focusing instead on horizon phenomena rather

[64] For these components see Ben-Dov 2008a, 181–196; the discussion of lunar visibility is based mainly on Drawnel 2007.

[65] Drawnel 2007, 2011, 302–307; Ben-Dov 2008a, 189–192.

[66] Ben-Dov and Horowitz 2005.

[67] See Pingree 1998 as well as Ben-Dov 2008a, 153–181.

than on the ecliptic.[68] Nor does it make use of the full set of lunar observations, the Lunar Six, or of the mathematical systems A and B, both of which were essential for mathematical astronomy, and found their way eventually into Greek and Demotic texts from Roman Egypt. The specific character of the Babylonian material present in Jewish apocalyptic texts thus attests to the limited level of cooperation and contact between the two cultures. The extant material from the Jewish apocalyptic tradition seems to attest to the transmission of popular astronomy only. It suggests an acquaintance with a *koine* of originally Mesopotamian science, translated into Aramaic and practiced by various ancient Near Eastern cultures.[69]

4. The Mesopotamian Lunar Calendar and the Rabbinic New Moon Procedure

To begin the discussion in this section let us be reminded that the very act of maintaining a lunar calendar under the Roman Empire was a subversive act. The empire put considerable pressure on the provinces to adopt the Julian calendar, and most of them did. Some provinces adopted the Julian months while calling them by the old, either Aramaic or Macedonian set of month names.[70] At some stage Judea remained the only nation in the Levant to practice an observation-based lunar calendar. Any sort of calendrical activity therefore carries a heavy load of declarative action on behalf of Jewish rabbinic identity.

Two matters require special regulation by human authorities in the making of lunisolar calendars: intercalation and the fixing of the new moon day. These two matters stand on the borderline of astronomy and calendars, constituting the places in which astronomy does not suffice and human intervention is called for, usually with the mediation of political power. Of these two, intercalation was addressed shortly above and will not be discussed further here. The main rabbinic treatises on calendars (i. e., mRosh 1:3–3:1 as well as Tosefta ad loc.) deal exclusively with the new moon, while entirely ignoring the question of intercalation.[71]

Observations of the new moon for calendrical purposes were practiced throughout the ancient world, wherever a lunar calendar of any sort was used. In ancient Mesopotamia, large states announced the calendar regulation to their

[68] Although the Aramaic scroll 4Q318 (dated around the turn of the era) does mention the zodiac, the text is not geared to the 364-day year but rather uses a 360-day ideal year.

[69] This suggestion somewhat modifies my earlier opinion (Ben-Dov 2008a, 246), where I opted for a more direct contact.See Popovic forthcoming.

[70] Stern 2012a.

[71] The decision and announcement of intercalation is subsumed under the codices of civil law in Sifra Emor par. 9, in tractate *Sanhedrin* 1:1 (Mishnah and Tosefta), and more significantly in the respective portions in the Talmudim (bSan 10b–13b; ySanh 1,2 [18c–19a]).

provinces, just as they would announce the year names and the eponyms.[72] At a later stage the problem was superseded by the introduction of a calculated order of intercalation under the Achaemenid Empire, most probably also as a gradual process in the preceding centuries.[73] While procedures for announcing the new moon may have existed early in Mesopotamian history (e. g., in the milieu of Old Babylonian Mari, where the encounter between scholars and the royal power was similar to the Neo-Assyrian environment), most of the evidence comes from the writings of Neo-Assyrian scholars, who left an exceptionally rich record of their activities. Some additional material can be derived also from Neo-Babylonian documentation.[74] The sources attest to the following procedure. Professional astronomers, who held watches at nighttime during the month, produced predictions of future month lengths, which were required due to the cultic and divinatory significance of the length of the month. These astronomers then reported the actual sighting of the new moon to the king, who had to decide whether or not to announce a new month; this decision in turn was transmitted to other cities and provinces in the empire.[75]

The sighting of the new moon appears sporadically in classical sources, but no detailed description of the procedure – the sighting, its verification, and the ensuing announcement – is extant. Rabbinic literature, in contrast, describes an altogether different picture. In tannaitic texts there is an elaborate description of the way the new moon was observed and subsequently a new month sanctified in Roman Judea.[76] The moon should first be observed by laymen throughout Judea, who then present official testimony before the court in Jerusalem. The court carries out a full judicial procedure, including an interrogation of the witnesses and a "verdict": the new month is sanctified, or not. This legal act is solemnly declared by the head of the court. Only thus can a new month enter into power. Subsequently this verdict was announced to the entire Jewish Diaspora, either by means of beacons or via messengers sent to the various communities.

An influential article by Ben-Zion Wacholder and David Weisberg (henceforth: WW) from 1971 studied the rabbinic new moon procedure with the professed aim to check its degree of continuity with records of the similar procedure in cuneiform literature. In this task the authors revived an earlier hypothesis raised by Eduard Meyer in the late nineteenth century.[77] The similarity accord-

[72] See references in Wacholder and Weisberg 1971; Beaulieu 1993; Steele 2007, 2012.

[73] On the creation of schematic intercalation see Rochberg 1995, 1938–1939; Britton 2001. For the fixing of month lengths by means of schemes, see Steele 2007 and contrast Stern 2008.

[74] For the intellectual milieu of scholars in the Neo-Assyrian court see, for example, Oppenheim 1969; Brown 2000, 33–52. Rochberg (2004, 219–236) focuses on the intellectual environment in the Neo-Babylonian and Late Babylonian periods, on which see also Robson 2011.

[75] The cities sometimes had to wait quite a few days until the announcement reached them; see CT 22 167: Beaulieu 1993, 71.

[76] For a description of this procedure see Herr 1976; Stern 2001, 157–160.

[77] In numerous publications from the 1890s, apud Wacholder and Weisberg 1971, 227, n. 3.

ing to WW is so great that one should posit a direct line of influence between the two textual corpora: the rabbinic texts reflect an essentially Mesopotamian practice, the time gap of nearly a millennium notwithstanding. The study by Wacholder and Weisberg is impressive, considering that it was written while most of the textual sources were in a preliminary state of publication, and while our grasp of astronomical procedures was still insufficient. Wacholder and Weisberg conclude that "This study has sought to illustrate the *interdependence* [italics added, JBD] of the cuneiform and rabbinic texts, thereby confirming Meyer's hypothesis concerning the rabbinic tradition."

This notion was challenged most recently by Sacha Stern,[78] who reached the exact opposite conclusion from WW, claiming that the similarity of the rabbinic calendar with the cuneiform evidence is limited only to a few essential elements. These elements would characterize *any* lunar calendar, not only the specific two systems discussed here. Instead, Stern asserts that the ancient Babylonian and the rabbinic calendars are entirely *dissimilar* with regards to the calendrical procedure. This extreme difference between the conclusions of Wacholder-Weisberg and those of Stern is due in large part to the refined understanding of cuneiform astronomy gained in the last quarter of the twentieth century. More significantly, it derives from a more critical perspective on the historicity of the rabbinic sources. While the rabbis claimed to hold full authority over Jewish belief and practice both in Palestine and outside it, this claim now seems exaggerated: the rabbis were in fact competing for authority with more powerful political organs like Roman rule and the city councils of Roman Palestine. Even in strictly Jewish matters the rabbis were required to compete with alternative modes of power that did not succumb to rabbinic authority. Stern accordingly points out central features that endorse his conclusion. First, the rabbinic procedure is entirely detached from the political sphere, because of the rabbis' meager political status, in contrast to the pronounced political dimensions of the calendrical procedures in the great empires and in the Greek cities. Second, the rabbinic emphasis on the judicial aspects of the new moon procedure corresponds to judicial procedures in the pagan city council. Finally, the rabbinic judicial acts of interrogation and forensic analysis in the new moon procedure are best understood as measures for testing the legal credibility of the witnesses, rather than as measures for ascertaining their astronomical plausibility. Thus, says Stern, it would be wrong to draw analogies between the rabbinic and cuneiform traditions.

I generally accept Stern's conclusion but would like to offer an important modification. Indeed, the basic structure of 29/30-day months and the need for observation and announcement are basic components of any lunar calendar. Pointing out rudimentary similarities between the two traditions is thus futile. For example, the announcement of the new moon day – either by means of bea-

[78] Stern 2012a.

cons or by messengers – is an indispensable act of any lunar calendar, and thus the parallels drawn between the two systems in this regard are merely coincidental. I do think, however, that the emphasis of tannaitic sources on acronychal phenomena, as depicted in some detail below, is not a mere coincidence but rather a continuation of Babylonian astronomical methods. The continuation is crude and less accurate than the systematized Babylonian science, but is nonetheless indebted to the cuneiform precedents.

When I say that tannaitic methods are a continuation of Babylonian science I use a weaker sense of the term "continuation." The lunisolar calendar as practiced in Roman Judea is not a Babylonian calendar per se, and was not *borrowed* from Mesopotamia. It continues an antique Levantine tradition of lunisolar calendars, which predated the occupation by the great Mesopotamian empires.[79] There may have been some Mesopotamian input in it due to the long period of imperial control, but this input is enmeshed in the local traditions, and would have been equally present in other Levantine calendars. Thus for example the "Babylonian" month names are accepted in their Aramaic forms throughout the entire Levant.

Alongside the general characteristics of a lunisolar calendar, the rabbinic tradition is set apart from both the Babylonian and the Levantine calendrical milieus by several characteristic traits. While the observations in Mesopotamia were carried out by watches of professional astronomers, those described in the Mishnah were conspicuously performed by laymen. This difference also entails the role of the judicial court (*beit din*) in the tannaitic texts; since laymen rather than professionals were involved, they should be interrogated and a ruling should be produced as in a criminal judicial case. Finally, the rabbinic texts rely exclusively on observations even at a time when month lengths could be easily calculated in advance. This feature should not be explained, as Wacholder and Weisberg claim, by the possibility that "the Talmud still appears to preserve the older system of observations … the system of calendation preserved in 1st or 2nd century rabbinic texts preserves a system which was in use before 481 B. C. E."[80] Such a difference cannot depend on historical contingency or on the sources that happened to be available to the rabbis. Rather, the special design of the rabbinic scenery in the tannaitic sources is the product of a characteristic ideology. Today we are much more aware of this element of the rabbinic worldview, which was not clear enough in earlier research, when the rabbinic texts were read as outright

[79] For example, the calendar at Ugarit was lunar, and so was the Phoenician calendar, as well as that of other second-millennium BCE Syrian cities. A procedure for reporting an astronomical observation (eclipse?) to the authorities, possibly for its calendrical significance, is attested in a ritual text from Ugarit (RS 12.061 lines 5–6); see Pardee 2000, 426–427, with earlier bibliography cited there.

[80] Wacholder and Weisberg 1971, 239.

historical sources.[81] The preference of observation to calculation might have also existed elsewhere outside Judea, in places where the local rulers were reluctant to give up their authority over time.[82] However, only in rabbinic literature do we find recurrent explicit statements about the value of human determination of time by means of the *beit din*. Rabbinic texts endorse a special sense of nominalism in calendrical decisions, as opposed to the sectarian realism: the schematic 364-day calendar, the emphasis on sabbatarian time and on schematic months universally fixed at 30–30–31 days, and the explicit opposition to lunar observations (*Jubilees* 6:36).[83] In addition, the emphasis on the observation of the moon by laymen (rather than by experts or state officials) is best understood as part of the Pharisaic (and later rabbinic) democratization, stressing popular participation in cultic procedures.[84]

The reader may discern that I am more inclined than Stern to identify ideological trends within rabbinic halakhah. I thus venture to suggest that the creation of a judicial setting in *mRosh Hashana*, complete with interrogation and a verdict, answers the basic rabbinic need of the authority of a *beit din*, a human court. This authority is indispensable especially in cases where the clash between nature and legal ruling is pronounced, i. e., in those not-too-rare cases where the legal ruling overrides the natural reality.[85] In other words, the rabbis were making a cultural statement with regard to the centrality, or rather the irreplaceability, of human agency in religious rulings. No religious act could be left to what the Mesopotamians called "the Heavenly Writing," i. e., to the conception that human beings merely strive to divine the decisions of the heavenly realm; rather, the sacred time frame is constructed and validated by human agency. This notion is sharply

[81] For recent studies on halakhic ideology in Second Temple and tannaitic literature, see Schwartz 1992; Werman 2007; Rosen-Zvi 2008; Noam 2010a, 2010b; Hayes 2011. The ideological dimension of tannaitic texts is strengthened in contemporary scholarship also because of the varying perspectives on their date of composition: while earlier studies maintained that parts of the Mishnah reflect the pre-70 Jerusalem temple, more doubt has been cast on these descriptions in recent literature. For the former view see Epstein 1957, 25–58; for the latter see Rosen-Zvi 2008, 242–257.

[82] Thus, Stern (2004, 466) claims that the lunar calendars practiced in late antique Syria did not follow any pre-calculated cycle but rather operated according to ad hoc observation. However, the observational basis in this case did not rely on ideology but rather on practical difficulties, as for example the difficulty of announcing calendrical decisions in large kingdoms. The rabbinic texts, in contrast, make ad hoc observation an ideology. The analysis should be carried out more rigorously when more sources are made available about the Syriac lunar calendars reconstructed by Stern.

[83] See Feldman 2004; Elior 2004, 111–134.

[84] See, e. g., Rubenstein 1999, 176–211; Himmelfarb 1997. A curious statement attributed to R. Yohanan in ySan (2,5 [58b] and parallels) recounts an intercalation executed according to the testimony of שלושה רועי בקר, "three ox-drivers," the archetype of laymen, even ignorant people; compare the Sumerian story in Alster 1991.

[85] This notion is demonstrated in Halberstam 2010. I thank Barry Wimpfheimer for the reference.

expressed in recurrent elaborations of the scriptural proof texts Lev 23:2, 4, 37 in the Mishnah (mRosh 1.19, 2.10) and halakhic midrashim (Safra Emor par. 9), stating the force of human beings in the fixing of time.

The rabbinic calendar tradition thus constitutes a distinctive local phenomenon, while at the same time participating in a wider cultural matrix.

The rabbinic new moon procedure attests quite naturally to a pronounced interest in synodic phenomena, especially acronychal phenomena, i.e., phenomena that occur on the horizon at or around sunset. Running a lunar calendar requires a focus on the intersection of sunset (occasionally also sunrise) with moonset and moonrise. A trained naked-eye astronomer is competent to deduce a wide set of predictions based on accurate observation of acronychal phenomena. This wisdom may be expressed by elaborate numerical formulas, but is also demonstrable by simple rules of thumb available to an educated administrator, even to a layman. The late cuneiform tradition and the rabbinic literature share a profound interest in these sorts of observations and in their nonmathematical processing, which is not attested in other ancient cultures. The astronomy of "horizon phenomena" is a rock-bottom layer of astronomical wisdom that requires less sophistication and humbler forms of expression than mathematical or geometrical astronomy. Thus, while a layman can hardly be expected to identify the ecliptic, not to mention measure the latitude of the moon with regard to that line (as Maimonides assumes in his treatise on the sanctification of the new moon), it is not difficult to track down the position of the moon's setting on the horizon and its distance from cardinal west, or from the position of sunset. As declared by Olaf Schmidt: "The central question of ancient astronomy is the problem of the oblique ascension. This problem originates in the fact that times are measured along the celestial equator while the sun and the moon move along the ecliptic."[86] The crucial point of nonzodiacal astronomy is thus to exploit the full explanatory force of horizon phenomena, at a stage when a more profound understanding of the path of the luminaries was not available. This branch of "calendrical astronomy" can thus be considered a popular stratum of ancient Near Eastern science that originated with Mesopotamian scholarship but persisted elsewhere, with the rabbinic literature attesting to a distant branch of it.

Neo-Assyrian astronomers were geared towards the prediction of acronychal events such as the sighting of the new moon or full moon (itself also an acronychal event as it rises in opposition to the setting sun). These predictions were sought both for calendrical purposes and for improving the divinatory outcome provided to the king.[87] Already in Neo-Assyrian times one finds texts like SAA

[86] Quoted in Brack-Bernsen 2003, 17.

[87] Rochberg (1995, 1939) does not count the calendar at all as a motivation for scholarly activity; Brown (2000, 195–197) is most explicit to this end, stressing a divinatory motivation instead. However, Brown's use of the term "divinatory" is so wide that it would include what other writers (such as Beaulieu) would classify as calendrical concerns.

VIII 60, which predicts month lengths several months ahead.[88] At a later period, Babylonian astronomers practiced the Goal-Year method in order to extract accurate predictions of various horizon phenomena – risings and settings – for stars and planets.[89] That the predictions were indeed made for calendrical purposes is made clear by the astronomical-calendrical manual TU 11, a remarkable compendium of rules for the prediction of horizon phenomena and hence also of calendrical observations.[90] The calendrical purpose of TU 11 and related texts became increasingly manifest in the Hellenistic period, with the development of the advanced theoretical methods known as System A and System B in ACT texts: although highly accurate predictions could be obtained using these advanced methods, the predictions of month lengths were carried out by the more popular Goal-Year method, mainly because of its simplicity.[91] Thus even within Babylonia the regulation of the calendar was carried out by relatively simple rules of calculation, which were sufficient for that purpose.

Several statements in the rabbinic material should be perceived as a local trajectory of the originally Mesopotamian "horizon astronomy." Some tannaitic sources imply that alongside the testimony of lay witnesses, the new moon was also calculated by the rabbinic court, and thus the interrogation of witnesses was carried out with relation to the assumed prediction, in order to check whether the reported observation was plausible. This notion is discerned mainly in the tannaitic passages that quote the questions asked during the interrogation. The purpose of these questions will be discussed in some detail here, since it is crucial for the sake of the argument to decide whether they had any astronomical value at all or whether they were merely intended to expose contradictions and inconsistencies in the testimonies. Stern concluded that

> the purpose of the interrogation is not to verify the astronomical plausibility of the witnesses' reports – which, as we have seen, would not have been very effective – but rather to establish the witnesses' integrity through a standard judicial procedure. In this respect, the verification procedure of the new moon witnesses is not astronomical, but primarily judicial.[92]

I rather think that some astronomical sense may be made from these questions, and hope to defend this position as follows.

A report in mRosh 2.6 (following ms Kaufmann) describes the interrogation as consisting of five questions:

---

[88] Beaulieu 1993, 72–77.

[89] For the Goal-Year method in lunar predictions, see mainly Brack-Bernsen 1999. See now the collection of texts in Hunger and Sachs 2006. For the early origins of these observations see Huber and Steele 2007.

[90] Brack-Bernsen and Hunger 2002, and in a more concise manner Brack-Bernsen 2002.

[91] Steele 2007, 144.

[92] Stern 2012a, 218.

… ואומרין לו אמור כיצד ראיתה את הלבנה לפני החמה או לאחר החמה לצפונה או {ו}לדרומה כמה היה גבוהה ולאין היה נוטה וכמה היה רחב ואם אמ׳ לפני החמה לא אמר כלום

… they say to him: say, how did you see the moon? Before the sun or after the sun? To its north or to its south? How high was it? Where did it incline? How wide was it? If he said "Before the sun" his words are invalid.

Reports in the Tosefta add some variety to this interrogation. Thus tRosh 1.17 (ed. Liebermann):

אמ׳ אחד לפני חמה ראיתיו לא אמר כלום לאחריה דבריו קיימין לצפונה לא אמ׳ כלום לדרומה דבריו קיימי׳ אחד אומ׳ ראיתיו גבוה שתי מדרעות ואחד אומ׳ שלשה עדותן קיימת אחד או׳ שלשה ואחד או׳ חמשה אין מצטרפין זה עם זה אבל מצטרף הוא עם אחרים אחד או׳ ראיתיו מוטה ואחד אומ׳ ראיתיו זקוף אין מצטרפין זה עם זה אבל מצטרף הוא עם אחרים …

If one (of the witnesses) says "I saw it before the sun," his testimony in invalid. (If he said) "after it" – his words are valid. "To its north" – his testimony in invalid, "to its south" – his words are valid. If one says "I saw it two ox goads high," and the other says "three," their testimony is valid. If one says "three" and the other says "five," they cannot be joined together, but one (of them) can be joined to others. If one says "I saw it leaning" and the other says "I saw it upright," they cannot be joined together, but one (of them) can be joined to others.

The meaning of these lunar observations has been discussed by generations of commentators, both traditional and modern. Notably, Maimonides offered authoritative interpretations of the issue both in his commentary on the Mishnah and in his treatise on the sanctification of the new moon as part of *Mishneh Torah*. His position was evaluated, alongside more recent perspectives, in the Tosefta commentary by Saul Liebermann, and a seminal astronomical interpretation was offered by Ernst Wiesenberg.[93] The central question to be asked is: are the interrogations meant to verify that the testimonies conform to a previous astronomical prediction, or are they merely meant to conform to each other? In other words: do these statements attest to some astronomical competence on the part of the witnesses and the court, or are they mainly a forensic mechanism, judicial rather than astronomical? In fact, this question was addressed already in the tannaitic sources. The Mishnah and Baraitot supply criteria for verifying the testimonies of the two witnesses against each other, but they do so only with regard to some of the questions; in other questions the sources supply absolute criteria for the falsification of the testimony, as for example אם אמר לפני החמה לא אמר כלום, or לצפונה לא אמר כלום לדרומה דבריו קיימין (cf. also yRosh 58a). While Stern is right in pointing out that the former type of questions corresponds with the forensic procedures of tractate *Sanhedrin*, and is thus entirely void with

[93] Liebermann 1962, vol. 5 (Mo'ed), 1032–1035; Wiesenberg 1962; cf. Feldman 1978, 178–184. Most recently the entire matter was reconsidered in the dissertation by Walter (2011, 63–101), introducing updated methods of modern rabbinic scholarship and a more variegated vista of the history of astronomy.

respect to astronomical theory, the latter type of questions makes reasonable astronomical sense.[94] All scholars, from Moses (Maimonides) to Saul (Liebermann), accordingly agreed that at least some of the questions are meant to check the conformity of the testimonies with previous astronomical predictions.[95] As can be expected, these predictions employed by the court would have focused on acronychal phenomena. Questions 2 and 3 – about the height of the moon at first visibility and its north-south azimuth – are especially relevant and would make sense in an astronomical context. Furthermore, they are of the same type of questions discussed by Mesopotamian astronomers.

The height of the moon, i. e., its angular distance from the western horizon at first visibility, is an easily measured and rather reliable test for the observation of the first crescent. It is also attested in cuneiform evidence. Compare, for example, SAA X 225 obv. 8–15:

> I observed the (crescent of the) moon on the 30th day, but it was too high (*šaqû*) to be (the crescent) of the 30th day. Its position was like that of the second day. If it is acceptable to the king, my lord, let the king wait for the report of the Inner City before fixing the date.

Similarly, the astronomical diaries from Babylonia, after reporting the time of the first visibility, often report on other details relating to this item: "it was high / low to the sun" (*ana Šamaš* NIM / SIG), "it was bright" (KUR_4), or various weather conditions at the time of first visibility.[96] In addition, section 15 of the cuneiform compendium TU 11 suggests a method for predicting the length of the month based on the altitude (NIM, height) of the moon above the horizon at its first visibility.[97] The height of the moon (measured in degrees) is roughly equivalent to the length of its first visibility after sunset, a frequent feature of Babylonian astronomy often recorded with the logogram NA. This measurement plays a prominent part in calendrical calculations.

While in cuneiform sources the measurements of height were expressed by cubits and fingerbreadths, the Tosefta measures it by "oxgoad-lengths." This is understandable as the tannaitic sources purport to working with laymen, sometimes even explicitly with herdsmen (yRosh 58b).[98] Scholars tend to underestimate the force of such crude measurements of angular distance,[99] but I see no reason to do so. Holding the oxgoad erect at an arm's length from one's body,

---

[94] See Stern 2012a, 218.

[95] See Liebermann 1962, 1034.

[96] See examples in Steele 2007, 137.

[97] Brack-Bernsen and Hunger 2002, 55–63. See further below.

[98] See the various ms. readings of the term מרדעות, "goads," as discussed by Wiesenberg (1962, 161). Note that Liebermann reads מדרעות following ms. Vienna, and cf. Walter 2011, 85. For the historical identification of such an instrument and its possible use, see Walter 2011, 87–88.

[99] Stern 2012a, 217; Wiesenberg 1962, 161.

one may measure the height of the moon to a reasonable degree, not worse than that of measuring cubits and fingerbreadths in Babylonian astronomy. Given that this same measurement is used as a fixed unit of length elsewhere in tannaitic literature (mBB 2.13, Baraita quoted in bShab 12b, 149a), it is not surprising to find it as a crude unit for astronomical measurement.[100]

Although the height of the moon at its first visibility may be computed for a given date and locality,[101] it quickly recedes as the moon sets. The moon descends from the initially observed altitude to nil within a period of up to fifty minutes on the day of its first visibility. Thus it would be hard to evaluate any testimony about the height of the moon, inasmuch as the witnesses cannot be expected to indicate the exact time of observation. Yet, even a subjective estimate on the part of the witness could be helpful for a knowledgeable scholar to judge whether his testimony is plausible or entirely fictional. The judge could have made sure that the height reported by the witnesses does not exceed the maximum calculated height for that evening.

The other astronomically significant question is number 2: "to its north or to its south." This question relates to the azimuth of the new moon, as compared with the azimuth of the sun at its place of setting, which occurred shortly beforehand. As indicated above, while the layman can hardly be expected to track the moon with respect to the ecliptic, its place on the horizon is easily detected. The azimuth of both the sun and the moon is one of the essential measurable phenomena in the *Astronomical Book* of *1 Enoch*, where it is expressed in terms of "the Gates of Heaven" (chapters 72–74).[102] These gates are arranged from north to south on the section of the horizon in which the rising and setting of the moon may occur. The system of gates yields reasonable accuracy in tracking down the actual azimuth of the sun and the moon. This system persists in talmudic literature, for example in the description of 365 gates (yRosh 2,4 [58a]), which gives essentially the same account of the solar and lunar orbits as *1 En* 72–74, only replacing the six gates of Enoch with 365 gates for the days of the year.[103] The azimuth of sunset along the year is also tracked in the statement by the tanna R. Jose, quoted in bEruv 56a. That ancient Jewish scholars could measure – or at least estimate – the relations of solar and lunar azimuth is evident from the treatment of the mishnaic formulation in the Talmudim. The Yerushalmi (yRosh 58:1) reasons that the moon sets north of the sun "from Tevet until Tamuz," i. e., from the winter solstice to the summer solstice, and to the south of it in the other

[100] Walter (2011, 97–99) noted also the use of the term שעורה, "grain of barley," with regards to the visibility of the lunar crescent in yRosh 2,5 (58a). He connects it with the unit ŠE, "barley," in cuneiform astronomical texts as well as in later Roman-period astronomical papyri from Egypt.

[101] The procedure is described by Wiesenberg (1962, 159).

[102] On the distribution and meaning of this element in the Aramaic and the Ethiopic *Astronomical Book*, see Drawnel 2011, 292–297.

[103] For this tradition cf. Pirqe DeRabbi Eliezer, chapter 6, and Ratzon 2012, 261.

half of the year. The procedure for computing this statement as well as its correspondence with astronomical reality was variously demonstrated in the past.[104] The Bavli suggests a very similar if not identical statement in bRosh 24a.[105] Thus there is no reason to believe that the interrogation of witnesses as regards the height and azimuth of the moon is entirely baseless in terms of astronomical science. The rabbis' lunar theory may not have been as elaborate as Wiesenberg wants us to believe, but they nonetheless maintained a reasonable capacity to track and predict acronychal phenomena.

Whence came this astronomical knowledge of the rabbis? Does it continue any particular ancient scientific tradition? Is there any other body of knowledge in antiquity that concerns itself so intensively with horizon phenomena? I submit that the rabbinic interest in this kind of astronomy is shared with a branch of non-ACT Babylonian astronomy that displays strong calendrical interests. This knowledge, in turn, engendered a body of popular astronomy that circulated in the ancient world, with the rabbis representing a unique local manifestation of this body of knowledge.

Most notable in this regard is the collection of astronomical procedures in the Late Babylonian text TU 11. While the tablet dates to the Hellenistic period, Brack-Bernsen seems to be right that it reflects earlier material, going back to the mid-first millennium. This text produces an astonishingly wide variety of arithmetic methods for solving the perplexing problem of predicting the length of the month. These methods are based on the measurements of the "Lunar Six," the intervals between risings and settings of the sun and the moon on the horizon at key points during the month: at first visibility (one parameter), around full moon (four parameters), and at last visibility (one parameter). Brack-Bernsen has demonstrated in a series of studies how these time intervals were extrapolated in order to produce accurate predictions of lunar visibility. Some of the methods are mere rules of thumb that require no more than a record of last month's first visibility. Thus, for example, the simple and quite intuitive rule: if in a given month first visibility after sunset is relatively long (i. e., NA_N is large), then the month will last for 29 days only.[106] Other, more accurate, methods in TU 11 are not as simple, as they require a database of past Lunar Sixes: either a Saros period of 233 months, or a Saros + 6 additional months (239 altogether); these data can be used with the Goal-Year Method to produce accurate predictions of forthcoming

[104] Wiesenberg 1962, 166–173; Walter 2011, 76–78.

[105] Instead of noting the months of the cardinal points, the Bavli uses the general terms ימות החמה and ימות הגשמים, "the rainy season" / "the sunny season." Liebermann (1962, 1033) considers the two formulations to be identical, while Wiesenberg (1962, 173) and Walter (2011, 67) adduce various reasons to differentiate them.

[106] Brack-Bernsen 2002, 8; in a longer form Brack-Bernsen and Hunger 2002, 61–63.

Lunar Sixes. The long rosters of Lunar Sixes preserved in cuneiform tablets were recorded, at least partly, for the sake of these or similar calculations.[107]

The methods of TU 11 supply interesting analogies to the queries of mRosh 2:6 and the Tosefta quoted above. Section 15 of TU 11 traces a correlation between the height (NIM) of the moon at first visibility and the length of that month. The editors take NIM in this text to denote not the lunar latitude (as it often appears in ACT) but rather its altitude, i. e., its height above the horizon.[108] In addition, a line in the same section states that "From month I on, the first days are high, the fourteenth days are low; from month VII on, the first days are low, the fourteenth days are high" (TU 11 obv. 35). The type of reasoning employed here resembles the statement of bRosh 24a, which distinguishes the rainy season from the sunny season with regard to the azimuth of the moon (NB: the azimuth, not the altitude!).[109] Section 15 of TU 11 thus shows how the "height" of the moon at first visibility is equivalent with the length of NA, and is thus an important datum in the procedure of predicting the length of the month.

The above information does not in any way prove that R. Gamliel or any other authority in tannaitic times knew TU 11, as the rabbinic texts do not reveal even a fraction of the procedures contained in that Babylonian text. Indeed there is no sign that the rabbis had access to a database of past lunar data. However, the analogy between mRosh 2:6 and TU 11 does suggest that the rabbinical court kept track of the basic acronychal phenomena around first visibility in and around the current lunation. There are signs that predictions were indeed suggested and subsequently checked against the observational data supplied by the witnesses. Since a comparable theory of horizon phenomena is not known to such an extent elsewhere in the ancient world, what the rabbis had in their disposal should have been similar to the material from TU 11, especially the simpler rules of thumb of that collection.

As a background to horizon astronomy in the Greco-Roman period, we may add the gradually accumulating recognition that this kind of astronomical knowledge was rooted even in Roman Egypt, long after the discoveries by Ptolemy were available to Egyptian scholars. Indeed, in Egypt one encounters not only the relatively simple Goal Year texts but also the more mathematical ACT.[110] It turns out that the paradigms of prediction-oriented Babylonian astronomy remained popular in Egypt even when better models were available, which were based on Greek-style geometrical methods. This idea would also explain the presence of System B calculations in some late talmudic material, as indicated

[107] For lists of Lunar Sixes see Hunger and Sachs 2001, §§ 40–51, as well as many other texts in the same volume that record Lunar Sixes alongside planetary phenomena.

[108] Brack-Bernsen and Hunger 2002, 55–61.

[109] One may also mention the occurrence of the term "before the sun" in TU 11 obv. 1 "NA *ša pān*(IGI) *šamaš*," although the meaning here does not resemble that of the Mishnah.

[110] Rochberg 2004, 34–35; Jones 1999, 5; 2002.

by Beller.[111] We may therefore suggest that a layer of popular astronomy existed in late antiquity that was initially based on Mesopotamian models – whether MUL.APIN-type astronomy or the Lunar Six and the Goal-Year Method – and that the rabbinic tradition was a local trajectory of that tradition. Instead of a direct transmission of Mesopotamian methods, it would be better to speak here about an ancient Near Eastern *koine*, in which some basic level of monitoring horizon phenomena persisted in the circles of local calendar experts.

As I tried to show elsewhere, the cultural relationship should be considered from a more elaborate point of view than simply assuming Babylonian "influence" in Roman Judea. Jewish practitioners were not passive recipients of the Babylonian methods; rather they were active participants in a Levantine discipline that was indebted to Mesopotamian origins but continued separately. The calendar calculations of later Syrian Christianity suggest an opportunity to view later ramifications of this same tradition.[112] If Sacha Stern is right, then the old lunisolar Babylonian calendar persisted in parts of Syria and Mesopotamia long into late antiquity. What kind of lunar theory did the practitioners of this calendar entertain? They must have asked quite similar questions to those of the rabbis, basing themselves on a crude level of horizon astronomy, but without the juridical tint of the calendar procedure in the rabbinic sources. In the specific rabbinic-tannaitic branch of the tradition, calendrical applications and lunar visibility took central place, compared, for example, with the planetary theory attested in Babylonian sources. In addition, calendar regulation was harnessed to the cart of contemporary Jewish ideology and politics, mainly in terms of human agency and the involvement of laymen in the procedure. It is a case where the rabbinic literary imagination took over a technical discipline and successfully embedded it in the scope of its literary expression.[113]

5. Conclusion

The present article presents a *longe durée* survey of Jewish history and its predecessors, from the second millennium BCE, through the Neo-Babylonian conquest of Judah in the late seventh century BCE and until the early third century CE. Indeed, giving an account of "Mesopotamian astronomy and calendars in Jewish sources" during that period is an almost insurmountable task, especially since the adjective "Jewish" stands for variegated phenomena throughout this long span of time: preexilic Hebrew literature, the early exilic community in

[111] Beller 1988, 64.

[112] Stern 2004.

[113] A similar development appears also in the rabbinic accommodation of contemporary medical theory, as applied in the procedures for diagnosing menstrual blood and skin diseases; see Balberg 2011.

Babylonia, the returnees in Achaemenid Yehud, priestly groups in the Hellenistic period, and finally rabbinic and nonrabbinic groups under the Roman Empire. Is there a single line that traverses the entire tradition, from the calendars of the kings of Judah to the astronomical *koine* of the Roman period? While claims for such continuity can certainly be made in specific cases, scholars should make sure to study each piece of evidence in its immediate historical context while at the same time studying it from the synchronic perspective of Jewish studies.

Much of the data examined here are better accounted for as the products of a general popular-scientific heritage in the ancient world, rather than as a product of direct Babylonian "influence." I thus embrace the methodological line suggested by Mordechai Cogan long ago with regard to relations between the Levant and the Assyrian empire, or, in a different but also strikingly similar way, by Seth Schwartz with regard to the Roman Empire.[114] For example, the right way to assess the seasonal place of the New Year – whether in the spring or the autumn – is to place it in the context of other calendars in the Levant, and those of the prevailing empires. Sometimes the Judaic/Israelite culture wished – or was forced – to succumb to imperial practice, while sometimes it resisted it. Other, more intricate possibilities exist, like resisting the imperial line while at the same time internalizing its dominant discourse. The calendar is a promising field for scholars of imperialism and religion, as it correlates in a very direct way both with everyday life and with the formation of national identity. The first part of the article followed the adoption of calendrical elements under a dominant, sometimes imperial culture: month names, the beginning of the year, and the Sabbath. Admittedly the latter item is connected with religious rather than administrative functions.

During later periods of time, the contact of Jews with Mesopotamian knowledge was detached from the imperial context and operated more on the intellectual level. Jews embraced elements of premathematical Mesopotamian astronomy, mainly with regards to its calendrical applications, while refashioning them for their needs. The following examples were pursued:

(1) The 360- and 364-day years, practiced by Mesopotamian scholars and embraced in the apocalyptic tradition of the Second Temple period. This notion was adapted in the Jewish milieu to fit the septenary division of time, a conspicuous characteristic of Jewish priestly and apocalyptic groups.

(2) The Mesopotamian tradition of using lunar acronychal phenomena in order to predict the length of lunar months. Traces of this tradition – mainly its less sophisticated parts – are attested in accounts of the rabbinic new moon procedure. As in the apocalyptic literature, the new milieu refashioned the scientific material to fit its religious and ideological predispositions, such as the human prerogative and the participation of laymen.

[114] Cogan 1974; Schwartz 2001.

The common denominator for all the items discussed here is the overwhelming religious importance and ideological thrust given to the calendar in Jewish sources, a factor that is conspicuously absent from any other ancient Near Eastern tradition. We may assume (with Stern) that lunisolar practices existed also elsewhere in the Levant,[115] but that these traditions did not achieve such a prominent literary representation as in the literature of the rabbis.

The evidence for Babylonian presence in the Jewish apocalyptic tradition is stronger and more direct than for the lunar theory of rabbinic writings, which is also more remote in time from the Mesopotamian domination of Eretz Israel. The onus thus shifts with the advance of time, from a more tangible participation of Jews in Mesopotamian scholarship to a more oblique involvement in an ancient Near Eastern tradition of popular astronomy. Throughout the entire period Jewish texts had little recourse if any to mathematical astronomy. This kind of scientific activity arose only later, under the circles of Byzantine science and in the later Middle Ages. While previous research did not fully grasp the level of involvement of Jews in the contemporary sciences of late antiquity, the door is now open for exploring this field with the publication of new material and the reevaluation of previously known Jewish texts.[116]

Bibliography

Albani, M. 1994. *Astronomie und Schöpfungsglaube: Untersuchungen zum astronomischen Henochbuch.* Wissenschaftliche Monographien zum Alten und Neuen Testament 68. Neukirchen-Vluyn: Neukirchener Verlag.

–. 2006. "Israels Feste im Herbst und das Problem des Kalenderwechsels in der Exilzeit." In *Festtraditionen in Israel und im Alten Orient,* edited by E. Blum and R. Lux, Veröffentlichungen der Wissenschaftlichen Gesellschaft für Theologie 28, 111–156. Gütersloh: Gütersloher Verlaghaus.

Alexander, P. S. 1995. "Bavli Berakhot 55a–57b: The Talmudic Dreambook in Context." *Journal of Jewish Studies* 46:230–248.

Alster, B. 1991. "The Sumerian Folktale of the Three Ox-Drivers from Adab." *Journal of Cuneiform Studies* 43–45:89–106.

Amit, Y. 1997. "Creation and the Calendar of Holiness." In *Tehillah le-Moshe: Biblical and Judaic Studies in Honor of Moshe Greenberg*, edited by M. Cogan, 13–29. Winona Lake, IN: Eisenbrauns.

Andreasen, N. 1974. "Recent Studies of the Old Testament Sabbath. Some Observations." *Zeitschrift für die alttestamentliche Wissenschaft* 86:453–469.

Auerbach, E. 1959. "Der Wechsel des Jahres-Anfangs in Juda im Lichte der Neugefundenen Babylonischen Chronik." *Vetus Testamentum* 9:113–121.

[115] Stern 2012a.

[116] See Ben-Dov and Sanders 2014, available also in creative commons: http://dlib.nyu.edu/awdl/isaw/ancient-jewish-sciences.

Ayali-Darshan, N. 2013. "The Origin and Meaning of the Crimson Thread in the Mishnaic Scapegoat Ritual in Light of an Ancient Syro-Anatolian Custom." *Journal for the Study of Judaism* 44:1–23.

Balberg, M. 2011, "Rabbinic Authority, Medical Rhetoric, and Body Hermeneutics in Mishnah Nega'im." *AJS Review* 35:323–346.

Bar-Ilan, M. 2010. *Astrology and Other Sciences among the Jews of Israel in the Roman-Hellenistic and Byzantine Periods*. Jerusalem: Mosad Bialik. (Hebrew)

Beaulieu, P.-A. 1993. "The Impact of Month-Lengths on the Neo-Babylonian Cultic Calendar." *Zeitschrift für Assyriologie* 83:66–87.

Beller, E. 1988. "Ancient Jewish Mathematical Astronomy." *Archive for the History of Exact Sciences* 38:51–66.

Ben-Dov, J. 2008a. *Head of All Years: Astronomy and Calendars at Qumran in Their Ancient Context.* Studies on the Texts of the Desert of Judah 78. Leiden: Brill.

–. 2008b. "Studies on the New Year Festivals in Babylonia and Israel" [Hebrew]. *Shnaton* 18:249–267.

–. 2010. "Neo-Assyrian Astronomical Terminology in the Babylonian Talmud." *Journal of the American Oriental Society* 130:267–270.

–. 2011. "The History of Pentecontad Time Periods (I)." In *A Teacher for All Generations: Studies in Honor of James C. VanderKam,* edited by E. Mason, JSJSup 153, 1:93–111. Leiden: Brill.

–. 2013a. "The Hellenistic Background of the Calendar Speech in Jubilees 6." [Hebrew]. *Megillot* 10: 31–56.

–. 2013b. "A Jewish Parapegma? 1 Enoch 82 in Roman Egypt." In *Time, Astronomy, and Calendars in the Jewish Tradition*, edited by S. Stern and C. Burnett, Time, Astronomy, and Calendars 1, 1–25. Brill: Leiden.

Ben-Dov, J. and W. Horowitz. 2005. "The Babylonian Lunar Three in Calendrical Scrolls from Qumran." *Zeitschrift für Assyriologie* 95:104–120.

Ben-Dov, J. and S.L. Sanders (eds.). 2014. *Early Jewish Sciences and the History of Knowledge in Second Temple Literature*. New York: ISAW and NYU Press. Available at http://dlib.nyu.edu/awdl/isaw/ancient-jewish-sciences.

Böttrich, C. 1997. "Astrologie in der Henochtradition." *Zeitschrift für die alttestamentliche Wissenschaft* 109:222–245.

Brack-Bernsen, L. 1999. "Goal-Year Tablets: Lunar Data and Predictions." In *Ancient Astronomy and Celestial Divination*, edited by N.M. Swerdlow, 149–177. Cambridge, MA: MIT Press.

–. 2002. "Predictions of Lunar Phenomena in Babylonian Astronomy." In *Under One Sky: Astronomy and Mathematics in the Ancient Near East,* edited by J. Steele and A. Imhausen, Alter Orient und Altes Testament 297, 5–19. Münster: Ugarit Verlag.

–. 2003. "The Path of the Moon, the Rising Points of the Sun, and the Oblique Great Circle on the Celestial Sphere." *Centaurus* 45:16–31.

Brack-Bernsen, L., and H. Hunger. 2002. "TU 11: A Collection of Rules for the Prediction of Lunar Phases and of Month Lengths." *SCIAMVS – Sources and Commentaries in Exact Sciences* 3:3–90.

Britton, J.P. 2001. "Treatments of Annual Phenomena in Cuneiform Sources." In *Under One Sky: Astronomy and Mathematics in the Ancient Near East,* edited by J. Steele and A. Imhausen, Alter Orient und Altes Testament 297, 21–78. Münster: Ugarit Verlag.

–. 2007. “Calendars, Intercalations and Year-Lengths in Mesopotamian Astronomy.” In *Calendars and Years: Astronomy and Time in the Ancient Near East*, edited by J. Steele, 115–132. Oxford: Oxbow.

Brown, D. 2000. *Mesopotamian Planetary Astronomy-Astrology.* Cuneiform Monographs 18. Groningen: Styx.

Cavigneaux, A., and V. Donbaz. 2007. “Le mythe du 7.VII. Le jours fatidiques et le Kippour mésopotemiens.” *Orientalia* 56:293–335.

Clines, D. J. A. 1974. “The Evidence for an Autumnal New Year in Pre-Exilic Israel Reconsidered.” *Journal of Biblical Literature* 93:22–40.

Cogan, M. 1974. *Imperialism and Religion: Assyria, Judah, and Israel in the Eighth and Seventh Centuries B. C. E*. Missoula, MT: Society of Biblical Literature.

Cohen, M. E. 1993. *The Cultic Calendars of the Ancient Near East*. Bethesda, MD: CDL Press.

Cooley, J. L. 2011. “Astral Religion in Ugarit and Ancient Israel.” *Journal of Near Eastern Studies* 70:281–287.

Cooper, A., and B. R. Goldstein. 2003. “The Development of the Priestly Calendars (I): The Daily Sacrifice and the Sabbath.” *Hebrew Union College Annual* 74:1–20.

Dercksen, J. G. 2011. “Weeks, Months and Years in Old Assyrian Chronology.” *Bibliotheca Orientalis* 68:233–243.

Drawnel, H. 2007. “Moon Computation in the Aramaic Astronomical Book.” *Revue de Qumran* 23:3–41.

–. 2011. *The Aramaic Astronomical Book from Qumran: Text, Translation, and Commentary*. Oxford: Oxford University Press.

Elior, R. 2004. *The Three Temples: On the Emergence of Jewish Mysticism*. Oxford: Littman Library of Jewish Civilization.

Epstein, J. N. 1957. *Introduction to Tannaitic Literature: Mishnah, Tosephta and Halakhic Midrashim* [Hebrew]. Jerusalem: Magnes.

Feldman, R. 2004. “ ‘New Moon after New Moon and Sabbath after Sabbath’: The Tension between Culture and Nature in the Cycles of Sabbath and Moon in Ancient Jewish Calendars.” Ph.D. dissertation, Graduate Theological Union, Berkeley.

–. 2009. “The 364-Day ‘Qumran’ Calendar and the Biblical Seventh-Day Sabbath: A Hypothesis Suggesting their Simultaneous Institutionalization by Nehemiah.” *Henoch* 31:342–365.

Feldman, W. M. 1978. *Rabbinical Mathematics and Astronomy*. 3rd corr. ed. New York: Hermon Press.

Fleming, D. E. 1999. “The Israelite Festival Calendar and Emar’s Ritual Archive.” *Revue biblique* 106:8–34.

–. 2000. *Time at Emar: The Cultic Calendar and the Rituals from the Diviner’s Archive.* Winona Lake, IN: Eisenbrauns.

Galil, G. 1996. *The Chronology of the Kings of Israel and Judah.* Studies in the History and Culture of the Ancient Near East 9. Leiden: Brill.

Gandz, S. 1970. *Studies in Hebrew Astronomy and Mathematics*. New York: KTAV.

Geller, M. J. 1997. “The Last Wedge.” *Zeitschrift für Assyriologie* 87:43–95.

–. 2000. “An Akkadian Vademecum in the Babylonian Talmud.” In *From Athens to Jerusalem: Medicine in Hellenized Jewish Lore and in Early Christian Literature. Papers of the Symposium in Jerusalem, 9–11 September 1996*, edited by S. Kottek et al., 13–32. Rotterdam: Erasmus.

–. 2004. "Akkadian Healing Therapies in the Babylonian Talmud." *Max-Planck-Institute für Wissenschaftsgeschichte Preprints* 259:1–60. http://www.mpiwg-berlin.mpg.de/Preprints/P259.PDF.

Gesundheit, S. 2012. *Three Times a Year: Studies on Festival Legislation in the Pentateuch.* Tübingen: Mohr Siebeck.

Glassner, J. 2004. *Mesopotamian Chronicles.* SBL Writings from the Ancient World 19. Atlanta: Society of Biblical Literature.

Grund, A. 2011. *Die Entstehung des Sabbats: Seine Bedeutung für Israels Zeitkonzept und Erinnerungskultur*. Forschungen zum Alten Testament 75. Tübingen: Mohr Siebeck.

Halberstam, C. T. 2010. *Law and Truth in Biblical and Rabbinic Literature*. Bloomington: Indiana University Press.

Hallo, W. W. 1977. "New-Moons and Sabbaths: A Case-Study in the Contrastive Approach." *Hebrew Union College Annual* 48:1–18.

Hayes, C. 2011. "Legal Realism and the Fashioning of Sectarians in Jewish Antiquity." In *Sects and Sectarianism in Jewish History,* IJS Studies in Judaica 12, edited by S. Stern, 119–146. Leiden: Brill.

Hehn, J. 1907. *Siebenzahl und Sabbat bei den Babyloniern und im Alten Testament: Eine religionsgeschichtliche Studie.* Leipziger semitische Studien II, 5. Leipzig: Hinrichs.

Herr, M. D. 1976. "The Calendar." In *The Jewish People in the First Century,* edited by S. Safrai, Compendia rerum Iudaicarum ad Novum Testamentum 1, 834–864. Assen: Van Gorcum.

Himmelfarb, M. 1997. "A Kingdom of Priests: The Democratization of the Priesthood in the Literature of Second Temple Judaism." *Journal of Jewish Thought and Philosophy* 6:89–104.

Horowitz, W. 1996. "The 360 and 364 Day Year in Ancient Mesopotamia." *Journal of the Ancient Near Eastern Society* 24:35–44.

–. 2006. "A Late Babylonian Tablet with Concentric Circles from the University Museum (CBS 1766)." *Journal of the Ancient Near Eastern Society* 30:38–53.

–. 2007. "The Astrolabes: Astronomy, Theology, and Chronology." In *Calendars and Years: Astronomy and Time in the Ancient Near East*, edited by J. Steele, 101–113. Oxford: Oxbow.

Huber, P. J., and J. M. Steele. 2007. "Babylonian Lunar Six Tablets." *SCIAMVS – Sources and Commentaries in Exact Sciences* 8:3–36.

Hunger, H., and D. Pingree. 1989. *MUL.APIN: An Astronomical Compendium in Cuneiform.* Archiv für Orientforschung Beiheft 24. Horn, Austria: Berger.

Hunger, H., and A. Sachs. 2001. *Astronomical Diaries and Related Texts from Babylonia*, vol. 5: *Lunar and Planetary Texts.* Vienna: Österreichische Akademie der Wissenschaften.

–. 2006. *Astronomical Diaries and Related Texts from Babylonia*, vol. 6: *Goal Year Texts*. Vienna: Österreichische Akadamie der Wissenschaften.

Jacobus, H. R. 2010. "4Q318: A Jewish Zodiac Calendar at Qumran?" In *The Dead Sea Scrolls: Texts and Context,* edited by C. Hempel, Studies on the Texts of the Desert of Judah 90, 365–395. Leiden: Brill.

Jones, A. 1999. *Astronomical Papyri from Oxyrhynchus: (P. Oxy. 4133–4300a)*. Philadelphia: American Philosophical Society.

–. 2002. "Babylonian Lunar Theory in Roman Egypt: Two New Texts." In *Under One Sky: Astronomy and Mathematics in the Ancient Near East.* Edited by J. Steele and A. Imhausen, Alter Orient und Altes Testament 297, 167–174. Münster: Ugarit-Verlag.

Knohl, I. 2007. *The Sanctuary of Silence: The Priestly Torah and the Holiness School*. Minneapolis: Fortress.

Knohl, I., and S. Naeh. 1993. "Milu'im and Kippurim" [Hebrew]. *Tarbiz* 62:17–44.

Kooten, G. H. van. 1999. "Enoch, the 'Watchers,' Seth's Descendants and Abraham as Astronomer. Jewish Applications of the Greek Motif of the First Inventor (300 BCE–CE 100)." In *Recycling Biblical Figures: Papers Read at a NOSTER Colloquium in Amsterdam, 12–13 May 1997*, edited by J. W. van Henten and A. Brenner, 292–316. Leiderdorp: Deo Publishing.

Körting, C. 1999. *Der Schall des Schofar: Israels Feste im Herbst.* Beihefte zur Zeitschrift für die alttestamentliche Wissenschaft 285. Berlin: De Gruyter.

–. 2008. "Sabbat (AT)." Bibelwissenschaft: Das wissenschaftliche Bibelportal der Deutschen Bibelgesellschaft. http://www.bibelwissenschaft.de/wibilex/das-bibellexikon/lexikon/sachwort/anzeigen/details/sabbat-at-3/ch/ebfc57ef4f7b4361a6995175de54d7a2/.

Kvanvig, H. 1988. *Roots of Apocalyptic: The Mesopotamian Background of the Enoch Figure and of the Son of Man.* Wissenschaftliche Monographien zum Alten und Neuen Testament 61. Neukirchen-Vluyn: Neukirchener Verlag.

–. 2011. *Primeval History: Babylonian, Biblical, and Enochic: An Intertextual Reading.* Supplements to the Journal for the Study of Judaism 149. Leiden: Brill.

Langermann, Y. T. 2002. "On the Beginnings of Hebrew Scientific Literature and on Studying History through 'maqbilot' (parallels)." *Aleph* 2:169–189.

Lehoux, D. 2007. *Astronomy, Weather, and Calendars in the Ancient World: Parapegmata and Related Texts in Classical and Near Eastern Societies*. Cambridge: Cambridge University Press.

Leicht, R. 2006. *Astrologumena Judaica: Untersuchungen zur Geschichte der astrologischen Literatur der Juden.* Texts and Studies in Medieval and Early Modern Judaism 21. Tübingen: Mohr Siebeck.

Lemaire, A. 1998. "Les formules de datation en Palestine au premier millenaire avant J.-C." In *Proche-orient ancien: Temps vecu, temps pensé*, edited by F. Briquel-Chattonet, 53–82. Paris: Maisonneuve.

Lewy, H., and J. Lewy. 1942–1943. "The Origin of the Week and the Oldest West Asiatic Calendar." *Hebrew Union College Annual* 17:1–152.

Liebermann, S. 1962. *Tosefta ki-fshutah*. New York: Jewish Theological Seminary.

Linssen, M. J. H. 2004. *The Cults of Uruk and Babylon: The Temple Ritual Texts as Evidence for Hellenistic Cult Practice*. Groningen: Styx.

Machinist, P. 2003. "Mesopotamian Imperialism and Israelite Religion: A Case Study from Second Isaiah." In *Symbiosis, Symbolism, and the Power of the Past: Canaan, Ancient Israel, and Their Neighbors from the Late Bronze Age through Roman Palaestina*, edited by W. G. Dever and S. Gitin, 237–264. Winona Lake, IN: Eisenbrauns.

McCants, W. F. 2011. *Founding Gods, Inventing Nations: Conquest and Culture Myths from Antiquity to Islam*. Princeton: Princeton University Press.

Meinhold, J. 1909. "Die Enstehung des Sabbats." *Zeitschrift für die alttestamentliche Wissenschaft* 29:81–112.

Neusner, J. 1965. *A History of the Jews in Babylonia*. Volume 1. Leiden: Brill.

Nihan, C. 2008. "Israel's Festival Calendars in Leviticus 23, Numbers 28–29 and the Formation of 'Priestly' Literature." In *The Books of Leviticus and Numbers,* edited by T. Roemer, Bibliotheca Ephemeridum theologicarum Lovaniensium 215, 177–231. Leuven: Peeters.

Noam, V. 2010a. *From Qumran to the Rabbinic Revolution: Conceptions of Impurity* [Hebrew]. Jerusalem: Yad Izhak Ben-Zvi.
–. 2010b. "Ritual Impurity in Tannaitic Literature: Two Opposing Perspectives." *Journal of Ancient Judaism* 1:65–103.
Oded, B. 2010. *The Early History of the Babylonian Exile (8th–6th Centuries B.C.E.)* [Hebrew]. Haifa: Pardes.
Oppenheim, A.L. 1969. "Divination and Celestial Observation in the Last Assyrian Empire." *Centaurus* 14:97–135.
Pardee, D. 2000. *Les textes rituels*. Ras Shamra–Ougarit 12. Paris: Editions Recherche sur les civilisations.
Pinches, T. 1904. "*Šapattu*, the Babylonian Sabbath." *Proceedings of the Society of Biblical Archaeology* 26:51–56.
Pingree, D.O. 1998. "Legacies in Astronomy and Celestial Omens." In *The Legacy of Mesopotamia*, edited by S. Dalley, 125–137. Oxford: Oxford University Press.
Pongratz-Leisten, B. 1994. *Ina Šulmi Īrub: Die Kulttopographische und ideologische Programmatik der* akītu-*Prozession in Babylonien und Assyrien im 1. Jahrtausend v. Chr.* Baghdader Forschungen 16. Mainz am Rhein: P. von Zabern.
Popovic, M. 2007. *Reading the Human Body: Physiognomics and Astrology in the Dead Sea Scrolls and Hellenistic–Early Roman Period Judaism.* Studies on the Texts of the Desert of Judah 67. Leiden: Brill.
–. 2010. "The Emergence of Aramaic and Hebrew Scholarly Texts: Transmission and Translation of Alien Wisdom." In *The Dead Sea Scrolls: Transmission of Tradition and Production of Texts,* edited by S. Metso, H. Najman, and E. Schuller, Studies on the Texts of the Desert of Judah 92, 81–114. Leiden: Brill.
–. Forthcoming. "Networks of Scholars: The transmission of Astronomical and Astrological Learning between Babylonians, Greeks and Jews." In *Ancient Jewish Sciences and the History of Knowledge in Second Temple Literature*, edited by J. Ben-Dov and S. Sanders, 153–193. New-York: ISAW and New York University Press.
Ratzon, E. 2012. "The Conception of the Universe in the Book of Enoch." Ph.D. dissertation, Tel Aviv University.
Reed, A.Y. 2004. "Abraham as Chaldean Scientist and Father of the Jews: Josephus, *Ant.* 1.154–168, and the Greco-Roman Discourse about Astronomy/Astrology." *Journal for the Study of Judaism* 35:119–158.
Robson, E. 2011. "The Production and Dissemination of Scholarly Knowledge." In *The Oxford Handbook of Cuneiform Culture,* edited by E. Robson and K. Radner, 557–576. Oxford: Oxford University Press.
Rochberg, F. 1995. "Astronomy and Calendars in Ancient Mesopotamia." In *Civilizations of the Ancient Near East*, vol. 3, edited by J.M. Sasson, 1925–1940. New York: Scribner.
–. 2000. "The Babylonian Origins of the Mandaean Book of the Zodiac." *ARAM* 11–12: 237–247.
–. 2004. *The Heavenly Writing: Divination, Horoscopy, and Astronomy in Mesopotamian Culture*. Cambridge: Cambridge University Press.
–. 2009. "'The Stars Their Likeness." Perspectives on the Relation Between Celestial Bodies and Gods in Ancient Mesopotamia." In *What Is a God? Anthropomorphic and Non-Anthropomorphic Aspects of Deity in Ancient Mesopotamia*, edited by B. Nevling Porter, 41–91. Winona Lake, IN: Eisenbrauns.

Rosen-Zvi, I. 2008. *The Rite That Was Not: Temple, Midrash, and Gender in Tractate Sotah* [Hebrew]. Jerusalem: Magnes.
Rosman, M. J. 2007. *How Jewish Is Jewish History?* Oxford: Littman Library of Jewish Civilization.
Rubenstein, J. L. 1999. *Talmudic Stories: Narrative Art, Composition, and Culture*. Baltimore: Johns Hopkins University Press.
Rüpke, J. 1995. *Kalender und Öffentlichkeit: Die Geschichte der Repräsentation und religiösen Qualifikation von Zeit in Rom*. Religionsgeschichtliche Versuche und Vorarbeiten 40. Berlin: De Gruyter.
–. 2006. *Zeit und Fest: Eine Kulturgeschichte des Kalenders*. Munich: C. H. Beck.
Said, E. W. 1993. *Culture and Imperialism*. New York: Vintage.
Samuel, A. E. 1972. *Greek and Roman Chronology: Calendars and Years in Classical Antiquity.* Handbuch der Altertumswissenschaft 1.7. Munich: C. H. Beck.
Satlow, M. 2008. "Beyond Influence: Toward a New Historiographic Paradigm." In *Jewish Literatures and Cultures: Context and Intertext,* edited by A. Norich and Y. Z. Eliav, Brown Judaic Studies 349, 37–53. Providence, RI: Brown Judaic Studies.
Schwartz, D. R. 1992. "Law and Truth: On Qumran-Sadducean and Rabbinic Views of Law." In *The Dead Sea Scrolls: Forty Years of Research,* edited by D. Dimant and U. Rappaport, Studies on the Texts of the Desert of Judah 10, 229–240. Leiden: Brill; Jerusalem: Magnes.
Schwartz, S. 2001. *Imperialism and Jewish Society, 200 B. C. E. to 640 C.* E. Princeton: Princeton University Press.
Scurlock, J., and F. Al-Rawi. 2006. "A Weakness for Hellenism." In *If a Man Builds a Joyful House: Assyriological Studies in Honor of Erle Verdun Leichty,* edited by A. K. Guinan et al., Cuneiform Monographs 31, 357–382. Leiden: Brill.
Secunda, S. 2011. "The Talmudic *Bei Abedan* and the Sasanian Attempt to 'Recover' the Lost Avesta." *Jewish Studies Quarterly* 18:343–366.
Segal, J. B. 1957. "Intercalation and the Hebrew Calendar." *Vetus Testamentum* 7:250–307.
Shavit, Y., and M. Eran. 2003. *The War of the Tablets: The Defence of the Bible in the 19th Century and the Bavel-Bibel Controversy* [Hebrew]. Tel-Aviv: Am Oved.
Smith, M. S. 2001. *The Origins of Biblical Monotheism: Israel's Polytheistic Background and the Ugaritic Texts*. Oxford: Oxford University Press.
Snaith, N. H. 1947. *The Jewish New Year Festival: Its Origins and Development*. London: Society for Promoting Christian Knowledge.
Steele, J. 2007. "The Length of the Month in Mesopotamian Calendars of the First Millennium BC." In *Calendars and Years: Astronomy and Time in the Ancient Near East*, edited by J. Steele, 133–148. Oxford: Oxbow.
–. 2012. "Living with a Lunar Calendar in Mesopotamia and China." In *Living the Lunar Calendar*, edited by J. Ben-Dov, W. Horowitz, and J. Steele, 373–387. Oxford: Oxbow.
Stern, S. 2001. *Calendar and Community: A History of the Jewish Calendar, Second Century BCE–Tenth Century CE*. Oxford: Oxford University Press.
–. 2004. "Near Eastern Lunar Calendars in the Syriac Martyr Acts." *Le Muséon* 117:447–472.
–. 2008. "The Babylonian Month and the New Moon: Sighting and Prediction." *Journal for the History of Astronomy* 39:1–24.

–. 2012a. "The Rabbinic New Moon Procedure: Context and Significance." In *Living the Lunar Calendar*, edited by J. Ben-Dov, W. Horowitz, and J. Steele, 211–230. Oxford: Oxbow.
–. 2012b. *Calendars in Antiquity: Empires, States, and Societies*. Oxford: Oxford University Press.
Tadmor, H. 1962. "Chronology" [Hebrew]. *Encyclopedia Miqra'it* 4:245–310.
Talmon, S. 1958. "Divergences in Calendar-Reckoning in Ephraim and Judah." *Vetus Testamentum* 8:48–74.
Talshir, D., and Z. Talshir. 2004. "The Double Month Naming in Late Biblical Books: A New Clue for Dating Esther?" *Vetus Testamentum* 54:549–555.
Toorn, K. van der. 1991. "The Babylonian New Year Festival: New Insights from the Cuneiform Texts and Their Bearing on Old Testament Study." In *Congress Volume: Leuven 1989*, edited by J.A. Emerton, Supplements to Vetus Testamentum 43, 331–344. Leiden: Brill.
VanderKam, J.C. 1983. *Enoch and the Growth of an Apocalyptic Tradition.* Catholic Biblical Quarterly Monograph Series 16. Washington, DC: Catholic Biblical Association of America.
Vaux, R. de. 1961. *Ancient Israel: Its Life and Institutions*. London: Darton, Longman & Todd.
Veenhof, K.R. 1995/6. "The Old Assyrian Hamuštum Period: A Seven-Day Week." *Jaarbericht Ex Oriente Lux* 34:5–26.
Vita, J. 1998. "Datation et genres litteraires a Ougarit." In *Proche-orient ancien: Temps vecu, temps pensé*, edited by F. Briquel-Chattonet, 39–52. Paris: Maisonneuve.
Wacholder, B., and D.B. Weisberg. 1971. "Visibility of the New Moon in Cuneiform and Rabbinic Sources." *Hebrew Union College Annual* 42:227–242.
Waerzeggers, C. 2011. "The Pious King: Royal Patronage of Temples." In *The Oxford Handbook of Cuneiform Studies*, edited by K. Radner and E. Robson, 725–751. Oxford: Oxford University Press.
Waerzeggers, C., and R. Siebes. 2007. "An Alternative Interpretation of the Seven-Pointed Star on CBS 1766." *Nouvelles Assyriologiques Brèves et Utilitaires* 2007/40:43–45.
Wagenaar, J.A. 2005. "The Priestly Festival Calendar and the Babylonian New Year Festivals: Origin and Transformation of the Ancient Israelite Festival Year." In *The Old Testament in Its World. Papers Read at the Winter Meeting, January 2003, the Society for Old Testament Study,* edited by R.P. Gordon and J.C. de Moor, 218–252. Leiden: Brill.
Wallace-Hadrill, A. 1997. "Mutatio morum: The Idea of a Cultural Revolution." In *The Roman Cultural Revolution*, edited by T. Habinek and A. Schiesaro, 3–22. Cambridge: Cambridge University Press.
–. 2005. "*Mutatas Formas*: The Augustan Transformation of Roman Knowledge." In *The Cambridge Companion to the Age of Augustus*, edited by K. Galinsky, 55–84. Cambridge: Cambridge University Press.
Walter, S. 2011. "Calendrical Reality and Astronomical Knowledge in Sanctification of the Moon Issues*"* [Hebrew]. Ph.D. dissertation, Bar-Ilan University, Ramat Gan.
Werman, C. 2007. "The Price of Mediation: The Role of Priests according to Priestly Halakhah" [Hebrew]. *Megillot* 5–6:85–108.
Werman, C., and A. Shemesh. 2011. *Revealing the Hidden: Exegesis and Halakha in the Qumran Scrolls* [Hebrew]. Jerusalem: Bialik.
Wiesenberg, E. 1962. "Elements of a Lunar Theory in the Mishnah, Rosh Hashanah 2:6, and the Talmudic Complements Thereto." *Hebrew Union College Annual* 33:153–196.

Zgoll, A. 2006. "Königslauf und Götterrat. Struktur und Deutung des babylonischen Neujahrsfestes." In *Festtraditionen in Israel und im Alten Orient,* edited by E. Blum and R. Lux, Veröffentlichungen der Wissenschaftlichen Gesellschaft für Theologie 28, 11–80. Gütersloh: Gütersloher Verlagshaus.

Nathan Wasserman

Old-Babylonian, Middle-Babylonian, Neo-Babylonian, Jewish-Babylonian?

Thoughts about Transmission Modes of Mesopotamian Magic through the Ages

Among all literary creatures, incantations show especially great longevity. A good example of this durability are the well-known pre-Christian German magical texts known as the Merseburg Incantations, written in the ninth or tenth century. One of them reads:

> Phol and Wodan were riding to the woods, and the foot of Balder's foal was sprained. So Sinthgunt, Sunna's sister, conjured it, and Frija, Volla's sister, conjured it, and Wodan conjured it, as well he could:
> "Like bone-sprain, so blood-sprain, so joint-sprain: Bone to bone, blood to blood, joints to joints, so may they be glued."[1]

A parallel to this pagan spell was recorded in 1848, about one thousand years after the German incantation, by a folklorist working in the Orkney Islands by the shores of Scotland:

> Our Savior rade,
> His fore-foot slade;
> Our Savior lichtit down.
> Sinew to sinew, vein to vein,
> Joint to joint, and bane to bane,
> Mend thou in God's name![2]

This paper deals with Mesopotamian magical tradition, but the question I wish to confront here is also sparked by the transformation of the Old High German spell. Would it be easy to find cases of ancient Mesopotamian magical material reflected in late antique Aramaic texts, similar to the thematic continuity found in the example of the *Merseburger Zaubersprüche* and its Orkney Island parallel? Are there many clear-cut connections, dependences, or even borrowings between the early Akkadian and late Aramaic magical texts? To anticipate, I can

[1] Fortson 2004, 325.
[2] Black and Northcote Whitridge 1903, 144.

say that one returns from this quest frustrated, with not much booty in hand, and yet, there is something to chew on.

Jewish and non-Jewish magical texts from late antiquity – mainly amulets and magic bowls, and also recipes – written in different dialects of Aramaic and in Hebrew are commonly said to contain "remnants of Mesopotamian religions,"[3] or "ancient traditions of Mesopotamian magic."[4] Even the characteristic iconography of magic bowls is said to "reflect older Mesopotamian ways of looking at demons and thwarting them."[5] In a recent paper, James N. Ford presented more material from hitherto unpublished Aramaic magic bowls that shows strong dependence on earlier Akkadian sources.[6]

The starting point of this paper is, therefore, the assumed, almost taken for granted, influence of ancient Mesopotamian magic on later Jewish and non-Jewish magic traditions. Here I wish to examine this assumption critically.

For practical reasons I will restrict myself to a specific group of magical texts: love spells, which are well attested in both cuneiform and alphabetic Aramaic sources. I will first present diachronically, and in a very brief manner, some of the Akkadian incantations and rituals dealing with love and sexuality; I will then discuss some parallels between Akkadian and Aramaic magic (not necessarily in love spells); and finally I will be naïve enough to try and draw general conclusions concerning the connections that may or may not exist between these two magical corpora. Aiding this endeavor is a scientific tool that is almost indispensible for traversing the turbulent textual sea that separates the Mesopotamian continent and the Aramaic shore: the online database Sources of Early Akkadian Literature (SEAL).[7] SEAL catalogues all known (published and some unpublished) Akkadian literary texts, of all genres, from the earlier periods onwards. As of today (January 2014), SEAL has reached the Middle Babylonian and Middle Assyrian periods, cataloguing so far more than 640 different literary texts. Almost half of this large literary corpus consists of magical texts: 312 different incantations and rituals from the Old Akkadian to the Middle Babylonian periods.[8]

Love incantations – which can be subsumed under the wider category of "power" incantations, texts whose aim is to manipulate and control other people's behavior – are known throughout the ancient Near East and Mediterranean

[3] van Rompay apud Hunter 1998, 95.
[4] Schiffman and Swartz 1992, 28.
[5] Bohak 2008, 192.
[6] See Ford's contribution in this volume.
[7] http://www.seal.uni-leipzig.de/.
[8] The corpus of second-millennium Akkadian incantations will be published in a monograph I am preparing: *Words of Magic: Early Akkadian Incantations and their Social Context*, in the series Leipziger Altorientalistische Studien.

culture.[9] Mesopotamian love-related literary texts exist from the earliest of times. One of the first incantations, indeed one of the earliest literary texts in any genre, and in any Semitic language, is the Old Akkadian love incantation written in a beautiful royal Sargonic script from around 2300 BCE. Some passages from this text read:

Ea loves the Love-Charm (*ir'emum*)
The Love-Charm, the son of Ištar, …
…

I seized your mouth of saliva!
I seized your shining eyes!
I seized your vulva of urine!
…

I seized your mouth of lovemaking!
I conjure you by the name of Ištar and Išḫara:
Until your neck and his neck will not embrace
you shall not find peace![10]

Moving five hundred years forward to ca. 1800 BCE, twelve different Akkadian love incantations and rituals from the Old Babylonian period are listed in the catalogue of SEAL.[11] The most important of these texts is a long tablet containing a dozen different love spells and rituals that was unearthed in ancient Isin. A passage from this text, spoken by an envious woman, goes:

…
Place your (m.) mind with my mind!
Place your (m.) decision with my decision!
I hold you (m.) back just like Ištar held back Dumuzi,
Just like Seraš (the beer goddess) binds her drinkers,
(so) I have bound you (m.) with my hairy mouth,
with my urinating vulva,
with my drooling mouth,
with my urinating vulva.[12]

The relation between the Old Akkadian incantation quoted above and the passage from the Isin tablet was noted by scholars, notably the shared idiom comparing the vulva and the mouth.[13] Another literary dependency linking an Old

[9] Biggs 1987; Frankfurter 2001; Geller 2002; Goodnick Westenholz 1992; Groneberg 2001, 2002, 2003, and 2007; Harari 2000; Lambert 1959; Musche 1999; Nissinen 2001; Saar 2008.

[10] Westenholz and Westenholz 1977, 201–203: 1–3; 12–16; 32–38, and cf. Groneberg 2001, 103–106. Recently: Lambert 2013, 31–32.

[11] BM 79022; CUSAS 10, 11; VS 17, 23; YOS 11, 21c; YOS 11, 87; ZA75(IB 1554)a; ZA 75 (IB 1554)b; ZA75(IB 1554)c; ZA 75 (IB 1554)d; ZA75(IB 1554)e; ZA 75 (IB 1554)h; ZA 75 (IB 1554)i.

[12] Wilcke 1985, 198–199: 12–19. Some fragments from Kish may also belong to the genre of love lyric, but their state of preservation does not allow a final conclusion.

[13] See Lambert 1987, 37–38.

Babylonian love-related text to the Old Akkadian incantation concerns the concept of *ir'emum*, love personified, which both the Old Akkadian and the Old Babylonian incantations invoke:

> Loved-one! loved-one! (*ir'emum*)
> His (the man's) two horns are gold, her (sic!) tail is pure lapis-lazuli:
> Placed in the heart of Ištar …[14]

From the Middle Babylonian period (ca. 1400 BCE) the catalogue of SEAL lists only one Akkadian love-related text, a love ritual from Hattuša.[15] This paucity does not reflect a decline in interest in sexuality; Babylonians and Assyrians in this period were just as interested in love, sex, and relationships as their predecessors and successors. A catalogue from Assur from this period, KAR 158, lists hundreds of incipits of love poems (most of which are lost),[16] proving that the sudden decrease in love-related texts in the Middle Babylonian period is only due to ill luck.

The focus of the Hattuša text is on the ritual instructions, the *agenda*, more than on the *recitenda*, the verbal part of the magical procedure. I will note parenthetically that this increased emphasis on ritual instructions is typical of post–Old Babylonian texts, but such instructions can be also found in Old Babylonian texts, as the following love ritual shows:

> Its ritual: you take clay of a licorice's root, in sun-rise (or/and in) sun-set,
> you roll pellets (from the clay), seven and seven,
> you reci[te] the incantation over the seven and seven (pellets).
> After you have recit[ed] the incantation,
> you will dren[ch] them twice (and)
> you will recite (again) the incantation.
> You put (the pellets?) in between her breasts
> and (your) wife (*aššatum*) will come to you.[17]

The fact that the ritual uses *aššatum*, "wife," and not *sinništum* "woman," or *ardatum*, "maiden, young girl," makes it clear that love-related rituals were used not only in Romeo-and-Juliet kind of affairs. Rather, they were just as important in marital disputes, situations with grave legal implications which are echoed, for example, in section § 142 of the Laws of Ḫammurāpi, where we read: "If a woman repudiates her husband and declares: 'you will not have marital relations with me' …"[18] The same matter is found in rabbinic sources under the heading of

[14] YOS 11, 87: 1–4.
[15] Schwemer 2004.
[16] Limet 1996; Klein and Sefati 2008.
[17] Wasserman 2010, 331–333.
[18] Accusations of adultery are found in CH §§ 129, 131–132, and in the Middle Assyrian Laws §§ 15–18.

"rebellious woman" or *mei's 'aley*.[19] Love, like witchcraft, was an issue where magical procedures and legal actions intersect.[20]

Troubles like that of Tom and Daisy Buchanan in *The Great Gatsby* are found also in Neo-Assyrian sources. In different Neo-Assyrian sources we read about "a woman whose husband is angry with her."[21] This woman is told to pray to Ištar in the skies, that is the planet Venus. Not only prayers but also practical means were employed. The series ŠÀ.ZI.GA, "Rising of the Heart" – what today we would define as "libidinal arousal" – was meant to deal with problems of sexuality in general, and masculine impotence in particular. One of the rituals of this series goes:

> [If a man]'s potency is taken away and his "heart" does not rise for his own woman or for another woman, you set up a reed altar facing Ištar-of-the-Stars, (and) you sacrifice a sheep; you set up a censer of juniper, you libate beer, (and) [you offer] the shoulder, fatty tissue, and the roast. You make two figurines of tallow, two figurines of wax, two figurines of bitumen, two figurines of gypsum, two figurines of dough, two figurines of cedar; in an unfired *pursitu*-vessel you burn them in a fire facing Ištar-of-the-Stars, and you recite the following: …[22]

What can be deduced from this scanty, far from comprehensive survey of ancient Mesopotamian love charms and rituals about the relationship between Mesopotamian magic and later magical tradition and the possibility of influence? Detailed comparison between Mesopotamian and Aramaic love spells and recipes must await another occasion. I will offer here only general observations – unavoidably of a partial nature – on the relation between cuneiform-written Mesopotamian magic and late antique alphabetic-written Aramaic magic.

The first observation is simple and perhaps disappointing: the direct bearing of early Mesopotamian sources on different kinds of Aramaic magic texts is very limited.[23] If we take the group of love incantations as our test case, there is not a single Aramaic love-related magical text regarding which one can safely say that it leans on ancient Mesopotamian textual tradition. This statement is less conclusive when turning to Aramaic spells that were concerned with other matters besides love and sex. Aramaic anti-witchcraft, anti-demon, and anti-disease

[19] See especially bKet 63b.

[20] The Neo-Babylonian marriage agreements, which often raise the option of taking a second wife, or the possibility of adultery (punished by "the iron dagger"), also allow one to assume that intermarital disputes were not uncommon, and that magical, not only legal means, were used to solve them (see, e. g., Roth 1989, 42–43, 92–94). See also the interesting mention of "wives who hate their husbands," *aššātum mutīšina izirrā*, in one of the Old Babylonian love incantations from Isin (Wilcke 1985, 200–201: 46–47).

[21] See conveniently CAD Š/1, 5b, s. v. *šabāsu*.

[22] Biggs 1967, 27–30.

[23] Geller reached, from other directions, a similar conclusion: "it is … somewhat surprising, and even disappointing, that relatively few traces of Mesopotamian magic can be identified in the later magic bowls" (Geller 2005, 53). Those parallels which do exist between ancient Mesopotamian magic and Aramaic magic bowls are, continues Geller, "exceptional" (57).

incantations, genres that were typically written on clay bowls (and not on perishable materials), show somewhat stronger dependence on Akkadian magical texts (see below), but even such cases, as I will argue, are sporadic. In other thematic groups of Aramaic incantations, the influence of Akkadian magic is evidenced mostly in the form of deities' and demons' names – Lilit, Šabriri, Šamiš, Dilbat (Deliwat), Bēl, Nanai, and Mulit (Mulissu) – and their epithets.[24] These could find their way into later Aramaic magical texts, independent of their original textual embedding. Being able to mention the name of J. F. Kennedy does not necessarily mean that one knows about JFK's reaction to the 1962 Cuban missiles crisis or his 1963 Berlin speech.

My second observation further modifies the first one. I propose that the narrower the time gap between the ancient Mesopotamian magic texts and the late antique Aramaic sources, the greater the chances of finding connections between the two corpora. Simply put: The relevance of third- and second-millennium Akkadian incantations for magical texts of Late Antiquity is negligible; the evidence is at best anecdotal. One should bear in mind that magic in any culture shares common thematic and practical features. General principles such as *similia similibus*, "similar through similar" (as, e. g., using a red thread to symbolize menstrual problems), can be found in Mesopotamian magic and in, say, Mongolian shamanism. These should not be counted as connections. There are greater chances of identifying possible ancient Mesopotamian *Vorläge* of late antique Aramaic magical texts when examining first-millennium cuneiform sources.[25]

This leads us to the third observation: it is mainly the major Mesopotamian magical texts, the canonic magical series, that are echoed in later Aramaic magic, not the minor and separate incantations (more typical of the Old Babylonian period but found also in later times). To phrase it provocatively: it is not so much Mesopotamian *magic* that is found in Aramaic bowls, as Mesopotamian *learning*. Ford's discovery in an Aramaic magical text of the Akkadian formula "an initiate may transmit it to an initiate"[26] bolsters this point, for this formula is *not* typical of magicians and of magical texts: it is typical of colophons of learned scribes composing esoteric texts, and of learned scribes alone. Furthermore, formulae of secrecy are not restricted to the ancient Mesopotamian cultural

[24] See Naveh and Shaked 1985, 37; Geller 1991, 102–112; Ford and Ten-Ami 2011/2; and Ford's contribution in this volume. Interestingly, the major demon of ancient Mesopotamia, the baby-snatcher Lamaštu, is missing from Jewish-Aramaic magic and not found even in contexts where one could expect her to appear, such as the story of Smamit (cf. Naveh and Shaked 1985, Amulet 15 and Bowl 12). For the description of the great Bagdana Aziza in Bowl 13, which contains elements that could be traced back to common descriptions of Mesopotamian demons, perhaps Pazuzu, cf. Gabbay 2010.

[25] Indeed, virtually all the pertinent examples of the Akkadian background of Aramaic magic bowls which are put forward by Ford in his contribution to this volume come from first-millennium Akkadian sources (the example from the hymn of Agušaya is less convincing).

[26] This was presented in his paper in the conference "Encouters by the Rivers of Babylon."

sphere. Similar formulations are found in Egyptian and in Greek magical texts as well.[27] Hence it should not be assumed that the background of the Aramaic secrecy formula is necessarily Mesopotamian.

This point should be elaborated. Most of the correspondences between Aramaic texts and Akkadian magical texts come from series like *Šurpu*, *Udug-ḫul*, and *Maqlû*, series that constitute the backbone of Mesopotamian scribal knowledge in the first millennium BCE.[28] The pupils who copied them were not necessarily destined to be magicians: *Maqlû* was simply part of their scribal curriculum. The canonic anti-witchcraft and anti-demon series were much copied and studied up to the Hellenistic period, to such a degree that there was even an attempt to transcribe passages from them into Greek.[29] It is, therefore, not impossible that knowledge of these series, even if corrupt, reached late antique magicians.

A good example of such a correspondence is that between a Mandaic magical text and a passage from the Akkadian series *Maqlû*, discussed by Müller-Kessler and Kwasman:[30]

> He is a pure diamond so that no one (can) touch him; he is like the radiance of Šamiš so that no one (can) approach him; he is like the light of the moon so that no one (can) remove him …

The Akkadian text goes:

> I am the heaven, you cannot touch me. I am the earth, you cannot bewitch me. I am the thorn of a *baltu*-thornbush, you cannot tread on me. I am the sting of a scorpion, you cannot touch me …

The passages are clearly related, but the dependency between the two sources is not direct and certainly far from verbatim.[31]

---

[27] See Ritner 1993, 203 and n. 943 for Egyptian formulae, and Betz 1986, 6–8, for similar expressions in Greek magical papyri ("Share this great mystery with no one [else], but conceal it, by Helios, since you have been deemed worthy …," PGM I.130–132; or "Therefore share these things with no one except [your] legitimate son alone when he asks you for the magic powers imparted [by] us," PGM I.192–194). (References courtesy Christian W. Hess, Leipzig).

[28] As proved by the fact that excerpts from *Maqlû* are found in school tablets; see Gesche 2000, 265–271; 287; 292; 312; 317; 524. See also UET 7, 127 and UET 7, 128 and BWL Pl. 73.

[29] Geller 2008.

[30] Müller-Kessler and Kwasman 2000, 159–165.

[31] More examples of correspondences between *Maqlû* and Aramaic magic bowls aimed to cast a curse on a person or to rebuke witchcraft exist, especially on the level of stock phrases. Note "may his tongue dry up in his mouth …" (Naveh and Shaked 1985, 174–175, Bowl no. 9) which corresponds to "her (the sorceress's) word is sent back to her mouth, her tongue becomes motionless," and "the (tongue) which has cast sorcery will dissolve like salt!" (*Maqlû* I: 28, 33, see Abusch and Schwemer 2010, 135); or "… sulfur and fire may burn in him …" (Naveh and Shaked 1985, 174–175, Bowl no. 9), which recalls "I have burned you (list of diseases and illnesses) with sulfur and *Amurru*-salt" (*Maqlû* V: 73, see Abusch and Schwemer 2010, 162); or "like wax which melts in the fire …" (Naveh and Shaked 1985, 181, Bowl no. 10), which paral-

Another case of correspondence between a large magical series, the bilingual series *Udug-ḫul*, and an Aramaic magic bowl was detected by Geller.[32] Without delving into details, it will suffice to say that all these interesting cases of correspondence between the Akkadian and Aramaic texts vouch for the fact that canonic series, which were still learned in the very last phases of cuneiform writing, managed to cross the high – despite their crumbling – walls of ancient Mesopotamian cuneiform knowledge and reach alphabetic Aramaic magic tradition.[33]

A reversed process is found in the Louvre tablet TCL 6, 58, in which three Aramaic incantations from the Seleucid or Achaemenid period were written in cuneiform. Geller believes that this tablet contains Aramaic translations of *egalkurra*-type Akkadian incantations.[34] Müller-Kessler sees here forerunners of later Mandaic magic bowls.[35] Be that as it may, this tablet shows that by the end of the first millennium BCE, erudite magicians and scribes were making deliberate efforts to bridge between Akkadian and Aramaic magic texts. The direction of this transfer, in my opinion, is not from the Mesopotamian side to the Aramaic one, but contrariwise: an effort to preserve the recent Aramaic magic in the traditional writing system of cuneiform, which can be compared, *mutatis mutandis*, to the Aramaic contracts found written on clay tablets.[36] These efforts were aborted, and history proved that writing system and writing medium are hard to separate: cuneiform was mostly limited to tablets, and alphabetic writing eventually preferred parchment and papyri – although, admittedly, the very existence of Aramaic magic bowls shows the contrary.

My fourth observation is that ancient Mesopotamian *opera minora*, those short spells against snakes, scorpions, dog bites, or difficulties in birth, in many of which *historiolae* are found, are rarely echoed in late antique magical texts. These short *historiolae*-incantations are more typical of the Old Babylonian period, but it is also the case that *historiolae* in later Akkadian incantations, such as the famous birth incantation known as "The Cow of Sîn,"[37] have hardly infiltrated into alphabetic magic literature. The explanation for this lies in the fact that *historiolae* cannot live *in vitro*. They maintain their delicate intertextual meaning as long as their original cultural matrix remains vibrant. Once this

---

lels the ritual tablet of the Akkadian series (*Maqlû* IX: 23', 27', 45' see Abusch and Schwemer 2010, 181–182 and passim).

[32] Geller 1991, 58–59.

[33] For a clear survey of the last stages of cuneiform writing in Babylonia, see Oelsner 2005.

[34] Geller 1997–2000.

[35] Müller-Kessler 2002.

[36] Lemaire 2001.

[37] The Neo-Assyrian version of this incantation, based on two manuscripts from Assur and Nineveh, can be found in Veldhuis 1991, 9. The Old Babylonian forerunner of this incantation, from southern Mesopotamia, perhaps from Larsa, is edited in van Dijk 1972. On the textual transmission of this incantation, see Röllig 1985.

contextual framework dissolves, as happened in the demise of ancient Mesopotamian civilization, these narrative capsules were no longer functional and consequently were not taken up by the later culture.

But rare examples to the contrary exist, for which I have no satisfactory explanation. One such case is a small narrative nucleus from an Old Babylonian incantation against snakes that found its way into much later Jewish texts.[38] In TIM 9, 65, paralleled by TIM 9, 66, we find a long list of different kinds of snakes, one of which "entered the hole, went out by the drainpipe, smote the sleeping gazelle, betook itself to(?) the withered oak." The motif of a snake biting a gazelle is found in the Babylonian Talmud. Commenting on Job 39:1, the Babylonian Talmud tells of a gazelle that was crouching in painful delivery, when God brought a serpent that bit her at the opening of the womb, exactly at the right moment, to ease her pain (BB 16b).[39] Another example of a far-reaching textual reverberation of an Akkadian incantation in an aggadic passage can be presented. A short Old Babylonian incantation against a rabid dog (or against anger) goes: "May he (the rabid dog?) eat his anger like a *ḫašūtum*-plant! May his afterbirth drop off! May it cover his face. May his mouth become as it was on the day he was born!"[40] The rare and dramatic image of the afterbirth covering the malefactor's face, along with a similar reference to the day of his birth, is found almost verbatim in the Palestinian Talmud: "Rabi Yochanan said: 'He who studies (the halachic law) with no intention to practice (it) – regarding him it would have been better that his afterbirth would turn on his face and he would not have come into the world" (yBer 1:2). A third example comes from a recently published Jewish Aramaic magic bowl from the Sassanian period.[41] The bowl warns different demons, the most important one being Lilith, not to attack a

[38] The incantation (Finkel 1999) goes as follows:

I seized the mouth of all snakes, even the *Kurṣindu*-snake,
The snake that cannot be conjured, the *Aš(šu)nugallu*-snake, the *Burubalû*-snake,
The (*Šan*)*apšaḫuru*-snake, of speckled eyes,
The eel snake, the hissing snake, (even) the hisser, the snake at the window.
It entered the hole, went out by the drainpipe,
It smote the sleeping gazelle, betook itself to(?) the withered oak.
The snake lies coiled in the roof beams,
The serpent lies coiled in the rushes;
Six are the mouth of the serpent, seven his tongues,
Seven, indeed (lit.: and) seven went out, whatever is inside of it,
He is wild of hair, fearful of appearance,
His eyes are of awful brightness, fearfulness issues from his mouth;
His very spittle can split stone!
(Incantation formula).

[39] On this see Wasserman 2002, 9–10, and Kogan 2004 (who apparently was unaware of Wasserman 2002).

[40] Liagre Böhl 1954.

[41] Ford and Ten-Ami 2011/2.

certain rabbi, Rav Mešaršia son of Qaqay, and his family.[42] The conjurer orders the demoness to leave the house of the client and go up to the mountains, where she can eat wild asses' meat and drink the blood of young gazelles: "… And if you receive from me (this spell) and go out of the house of PN1, PN2, and PN3, you will eat meat freely and wine without account. Go and eat the meat of wild asses and drink the blood of young gazelles …."[43] The motif of the eating and drinking demons is found elsewhere in Aramaic magic, but the explicit sending away of a female demon to devour wild asses and gazelles instead of tormenting the client has a clear ancient Mesopotamian background. BM 120022, a Middle Babylonian incantation against the mighty demoness Lamaštu, ends as follows: "You will not enter the house you have left, you will not turn back to the road you have left! … Rise to the mountains of sweet scents! Snatch the livestock: the wild ass, the gazelle, the wild bulls, the mountain goats, the deer, (and) the wild goats. Assist at the birth of the livestock of Šakkan, the animals of the steppe!"[44] The specific mention of wild asses and gazelles cannot be accidental, showing an intriguing persistence of ancient Mesopotamian themes in later Aramaic magical texts.

How these Old Babylonian motifs and mythemes found their way into later Jewish traditions is a matter for speculation, but it is not reasonable to envisage any direct textual dependence of the talmudic Aggadah on the Old Babylonian incantation. Subterranean, nonwritten paths of transmission carried this and some other minute stories from the dark waters of ancient Mesopotamian magic to the reservoir of Jewish aggadic lore.

My final observation regarding the relation between ancient Mesopotamian and later Aramaic magical texts, is that one should not neglect ritual instructions as a source of possible links between the two bodies of texts. In various Hebrew and Aramaic erotic spells one finds the instruction to take an unbaked potsherd, write on it a love charm, and burn it in order to consolidate sympathetically the attraction between the two persons on whose behalf the ritual was performed. This practice is demonstrated well by the amulet from Ḥorvat Rimmon, where an Aramaic love incantation was inscribed on a potsherd before it was burned.[45] The same practice is known from Greek magical papyri,[46] and from recipes found in the Cairo Genizah.[47] Discussing the possible origin of this procedure, Bohak noted that one cannot really "prove that it was a non-Jewish technique adopted by the Jewish magicians and not the other way around." "Mutual in-

[42] Interestingly, on this bowl Lilith is more specifically called Mulit, which continues the Assyrian goddess Mulissu; see Ford and Ten-Ami 2012, 226, with previous literature in n. 41.

[43] Ford and Ten-Ami 2011/2, 222: 7–10.

[44] Farber 1987.

[45] Naveh and Shaked 1985, 87. Cf. Harari 2010, 162–163, who reads slightly different (and also 172 ff.)

[46] Bohak 2008, 287.

[47] Harari 2010, 162–163.

fluence" seems more likely to him.[48] In my eyes, in this case mutual influence equals to no influence, for I cannot imagine bilateral flow of knowledge in such precise technical matter. If a direct source of influence was not detected, then we have to assume that the practice of using an unbaked potsherd developed independently in different Mediterranean traditions. Is this likely?

A piece of evidence, which though not new was not hitherto noticed as relevant to the question, may point to the sought-for source of this specific magical technique. In the ŠÀ.ZI.GA ritual for restoring erotic attraction and masculine potency that was mentioned above, one reads: "You make two figurines of tallow, two figurines of wax, two figurines of bitumen, two figurines of gypsum, two figurines of dough, two figurines of cedar; in an unfired *pursitu*-vessel you burn them in a fire facing Ištar-of-the-Stars …."[49] The instruction to use *pursītu lā ṣariptu* is found in other ŠÀ.ZI.GA erotic rituals, and – as far as I have seen – only in erotic rituals. Interestingly Naveh and Shaked have also noticed that when "an unbaked potsherd [is mentioned in Jewish-Aramaic rituals] in all cases … love charms are involved."[50] Admittedly, there are some differences between the cuneiform sources and the later Jewish and non-Jewish magic instructions: the Akkadian rituals specify an unbaked vessel into which different figurines should be placed, whereas the later Aramaic sources require an unbaked non-specified potsherd upon which the spell is to be incised. Notwithstanding, these differences are not essential, given the distance and the long span of time that separate the two sources. The instruction to use an unbaked clay object, specifically in love-related rituals, can hardly be deemed accidental. I propose therefore that the Aramaic rituals lean here on ancient Mesopotamian practice.

This case, which is not unique, may help to identify an important channel that connected Mesopotamian and Aramaic magic. The *what-to-do* part of the magical procedure was, I submit, more resistant to the erosion of time and cultural change than the *what-to-say* part. Spells could stop being understood, or could be deemed irrelevant, or even considered blasphemous in the transition from a pagan to a monotheistic worldview. By contrast, the *agenda*, the *what-to-do* part, was less susceptible to such risks. What possible ideological hindrance could stand against the instruction, "you take an unbaked potsherd and write on it, and burn it, etc …," and prevent it from being carried from one period to another? Practical magic knowledge was independent of learned persons and could be detached from written sources. Consequently it was less reliant on one particular writing system, be it cuneiform or alphabetic. The *what-to-do* did not have to be translated: it could be transmitted from one period to another by observation and through oral teaching.

---

[48] Bohak 2008, 287.
[49] Biggs 1967, 27–30.
[50] Naveh and Shaked 1985, 221.

Snakes make a suitable end to a paper dealing with magic, and so a serpentine metaphor is appropriate here. Are the connections between Mesopotamian magic and Aramaic magic as prevalent as snakes in Mesopotamia? Or are these connections practically nonexistent, like the famous snakes of Iceland, laughed at by Samuel Johnson? Not being an expert in biology, I would say that the number of significant connections between the two magical corpora discussed here may be compared to the number of snakes in, well, Finland, where, according to the Wild World natural history website, "eleven species of amphibians and reptiles" are found.[51] As one who appreciates rare phenomena – snakes in Finland, or connections between Akkadian and Aramaic texts – I for one don't mind that there are not so many of them.

Bibliography

Abusch, T., and D. Schwemer. 2010. "Das Abwehrzauber-Ritual Maqlu ('Verbrennung')." In *Omina, Orakel, Rituale und Beschwörungen*, edited by B. Janowski and G. Wilhelm, Texte aus der Umwelt des Alten Testaments n. F. 4, 178–186. Gütersloh: Gütersloher Verlagshaus.

Betz, H. D. 1986. *The Greek Magical Papyri in Translation, Including the Demotic Spells*. Chicago: University of Chicago Press.

Biggs, R. D. 1967. *ŠÀ.ZI.GA: Ancient Mesopotamian Potency Incantations.* Texts from Cuneiform Sources 2. Locust Valley, NY: J. J. Augustin.

–. 1987. "Liebeszauber." In *Reallexikon der Assyriologie und vorderasiatischen Archäologie*, vol. 7, 17–18. Berlin: De Gruyter.

Black, G. F., and T. Northcote Whitridge. 1903. *Examples of Printed Folk-lore concerning the Orkney and Shetland Islands*. London: David Nutt.

Bohak, G. 2008. *Ancient Jewish Magic: A History.* Cambridge: Cambridge University Press.

Dijk, J. van. 1972. "Une variante du thème de 'l'Esclave de la Lune.'" *Orientalia* 41:339–348.

Farber, W. 1987. "Rituale und Beschwörungen in akkadischer Sprache." In *Rituale und Beschwörungen I*, edited by O. Kaiser, Texte aus der Umwelt des Alten Testaments 2/2, 212–281. Gütersloh: Gütersloher Verlagshaus.

Finkel, I. L. 1999. "On Some Dog, Snake and Scorpion Incantations." In *Mesopotamian Magic: Textual, Historical and Interpretative Perspectives*, edited by T. Abusch and K. van der Toorn, Ancient Magic and Divination 1, 211–253. Groningen: Styx.

Ford, J. N. Forthcoming. "The Ancient Mesopotamian Motif of *kidinnu* 'divine protection (of temple cities and their citizens)' in Akkadian and Aramaic Magic." In this volume.

Ford, J. N., and A. Ten-Ami. 2011/2. "An Incantation Bowl for Rav Mešaršia Son of Qaqay" [Hebrew]. *Tarbiz* 80:219–230.

Fortson, Benjamin W. 2004. *Indo-European Language and Culture*: *An Introduction*. Blackwell Textbooks in Linguistics. Malden, MA: Blackwell.

[51] http://iberianature.com/wildworld/guides/wildlife-of-finland/reptiles-of-finland/.

Frankfurter, D. 2001. "The Perils of Love: Magic and Countermagic in Coptic Egypt." *Journal of the History of Sexuality* 10:480–500.

Gabbay, U. 2010. "The King of the Demons: Pazuzu, Bagdana and Ašmedai." In *A Woman of Valor*: *Jerusalem Ancient Near Eastern Studies in Honor of Joan Goodnick Westenholz*, edited by W. Horowitz, U. Gabbay, and F. Vukosavovic, Biblioteca der Próximo Oriente Antiguo 8, 57–72. Madrid: Consejo Superior de Investigaciones Científicas.

Geller, M. J. 1991. "Akkadian Medicine in the Babylonian Talmud." In *A Traditional Quest: Essays in Honour of Louis Jacobs*, edited by D. Cohn-Sherbok, Journal for the Study of the Old Testament Supplement Series 114, 102–112. Sheffield: JSOT Press.

–. 1997–2000. "The Aramaic Incantation in Cuneiform Script (AO 6489 = TCL 6, 58), with an Appendix on BM 25636." *Jaarbericht van het Vooraziatisch-Egyptisch Gezelschap "Ex Oriente Lux"* 35–36:127–146.

–. 2002. "Mesopotamian Love Magic: Discourse or Intercourse?" In *Sex and Gender in the Ancient Near East: Proceedings of the 47th Rencontre Assyriologique Internationale, Helsinki, July 2–6, 2001*, edited by S. Parpola and R. M. Whiting, 129–139. Helsinki: Neo-Assyrian Text Corpus Project.

–. 2005. "Tablets and Magic Bowls." In *Officina Magica: Essays on the Practice of Magic in Antiquity*, edited by S. Shaked, IJS Studies in Judaica 4, 53–72. Leiden: Brill.

–. 2008. "Graeco-Babylonian Utukkū Lemnūtu." *Nouvelles Assyriologiques Brèves et Utilitaires* 2008/33:43–44.

Gesche, P. D. 2000. *Schulunterricht in Babylonien im ersten Jahrtausend v. Chr.* Alter Orient und Altes Testament 275. Münster: Ugarit-Verlag.

Goodnick Westenholz, J. 1992. "Metaphorical Language in the Poetry of Love in the Ancient Near East." In *La circulation des biens, des personnes et des idées dans le Proch-Orient ancient: Actes de la XXXVIII^e Rencontre assyriologique internationale (Paris, 8–10 juillet 1991)*, edited by D. Charpin and F. Joannès, 381–387. Paris: Editions Recherche sur les civilisations.

Groneberg, B. 1999. " 'Brust' *(irtum)*-Gesänge." In *Munuscula Mesopotamica*, edited by B. Böck, E. Cancik-Kirschbaum, and T. Richter, Alter Orient und Altes Testament 267, 169–195. Münster: Ugarit Verlag.

–. 2001. "Die Liebesbeschwörung *MAD* V 8 und ihr literarischer Kontext." *Revue d'assyriologie et d'archéologie orientale* 95:97–114.

–. 2002. " 'The Faithful Lover' Reconsidered: Towards Establishing a New Genre." In *Sex and Gender in the Ancient Near East: Proceedings of the 47th Rencontre Assyriologique Internationale, Helsinki, July 2–6, 2001*, edited by S. Parpola and R. M. Whiting, 165–183. Helsinki: Neo-Assyrian Text Corpus Project.

–. 2003. "Searching for Akkadian Lyrics: From Old Babylonian to the 'Liederkatalog' KAR 158." *Journal of Cuneiform Studies* 55:55–74.

–. 2007. "Liebes- und Hundebeschwörungen im Kontext." In *Studies Presented to Robert D. Biggs*, edited by M. T. Roth et al., Assyriological Studies 27, 91–107. Chicago: Oriental Institute of the University of Chicago.

Harari, Y. 2000. "Love Charms in Early Jewish Magic" [Hebrew]. *Kabbalah* 5:247–264.

–. 2010. *Early Jewish Magic: Research, Method, Sources* [Hebrew]. Jerusalem: Mosad Bialik.

Hunter, E. C. D. 1998. "Who Are the Demons? The Iconography of Incantation Bowls." In *Magic in the Ancient Near East*, edited by S. Ribichini, Studi Epigrafici e Linguistici sul Vicino Oriente antico 15, 95–116. Verona: Essedue.

Hurowitz, V.A. 1995. "An Old Babylonian Bawdy Ballad." In *Solving Riddles and Untying Knots*, edited by Z. Zevit et al., 543–558. Winona Lake, IN: Eisenbrauns.

Klein, J., and Y. Sefati. 2008. "'Secular' Love Songs in Mesopotamian Literature." In *Birkat Shalom: Studies in the Bible, Ancient Near Eastern Literature, and Postbiblical Judaism Presented to Shalom M. Paul on the Occasion of His Seventieth Birthday*, edited by C. Cohen et al., 613–626. Winona Lake, IN: Eisenbrauns.

Kogan, L. 2004. "Sleeping Deer in Mesopotamia and in the Bible." *Babel und Bibel* 1:363–368.

Lambert, W.G. 1959. "Divine Love Lyrics from Babylon." *Journal of Semitic Studies* 4:1–15.

–. 1966. "Divine Love Lyrics from the Reign of Abi-ešuh." *Mitteilungen des Instituts für Orientforschung* 12:41–56.

–. 1987. "Devotion: The Languages of Religion and Love." In *Figurative Language in the Ancient Near East*, edited by M. Mindlin et al., 25–39. London: School of Oriental and African Studies, University of London.

–. 2013. Babylonian Creation Myths. Mesopotamian Civilizations 16. Winona Lake: Eisenbrauns.

Lemaire, A. 2001. *Nouvelles tablettes araméennes*. Hautes études orientales 34. Geneva: Librairie Droz S.A.

Liagre Böhl, F.M.T. de. 1954. "Zwei altbabylonische Beschwörungstexte: LB 2001 und 1001 (Tafel II)." *Bibliotheca Orientalis* 11:81–83.

Limet, H. 1996. "Le texte *KAR* 158." In *Collectanea Orientalia histoire, arts de l'espace et industrie de la terre*, edited by H. Gasche and B. Hrouda, Civilisations du Proche-Orient, Série I, Archéologie et environnement 3, 151–158. Neuchâtel: Recherches et publications.

Müller-Kessler, C. 2002. "Die aramäische Beschwörung und ihre Rezeption in den mandäisch-magischen Texten am Beispiel ausgewählter aramäischer Beschwörungsformulare." *Res Orientales* 14:193–208.

Müller-Kessler, C., and T. Kwasman. 2000. "A Unique Talmudic Aramaic Incantation Bowl." *Journal of the American Oriental Society* 120:159–165.

Musche, B. 1999. *Die Liebe in der altorientalischen Dichtung*. Studies in the History and Culture of the Ancient Near East 15. Leiden: Brill.

Naveh, J., and S. Shaked. 1985. *Amulets and Magic Bowls: Aramaic Incantations of Late Antiquity*. Jerusalem: Magnes; Leiden: Brill.

Nissinen, M. 2001. "Akkadian Rituals and Poetry of Divine Love." In *Mythology and Mythologies: Methodological Approaches to Intercultural Influences*, edited by R.M. Whiting, Melammu Symposia 2, 93–136. Helsinki: Neo-Assyrian Text Corpus Project.

Oelsner, J. 2005. "Incantations in Southern Mesopotamia – from Clay Tablets to Magical Bowls." In *Officina Magica: Essays on the Practice of Magic in Antiquity*, edited by S. Shaked, 31–51. Leiden: Brill.

Ritner, R.K. 1993. *The Mechanics of Ancient Egyptian Magical Practice*. Studies in Ancient Oriental Civilization 54. Chicago: Oriental Institute of the University of Chicago.

Röllig, W. 1985. "Der Mondgott und die Kuh. Ein Lehrstück zur Problematik der Textüberlieferung im Alten Orient." *Orientalia* 54:260–273.

Rompay, L. van. 1990. "Some Remarks on the Language of Syriac Incantation Texts." *Orientalia Christiana Analecta* 236:369–381.

Roth, M. T. 1989. *Babylonian Marriage Agreements: 7th–3rd Centuries B. C.* Alter Orient und Altes Testament 222. Neukirchen-Vluyn: Neukirchener Verlag.

Saar, O.-P. 2008. "Jewish Love Magic." Ph.D. dissertation, Tel Aviv University.

Schiffman, L. H., and M. D. Swartz. 1992. *Hebrew and Aramaic Incantation Texts from the Cairo Genizah: Selected Texts from Taylor-Schechter Box K1*. Semitic Texts and Studies 1. Sheffield: JSOT Press.

Schwemer, D. 2004. "Ein akkadischer Liebeszauber aus Hattuša." *Zeitschrift für Assyriologie* 94:59–79.

Veldhuis, N. 1991. *A Cow of Sîn*. Library of Oriental Texts 2. Groningen: Styx.

Wasserman, N. 2002. "Dictionaries and Incantations: Cross-Generic Relations in Old-Babylonian Literature" [Hebrew]. In *Wool from the Loom: The Development of Literary Genres in Ancient Literature* [Hebrew], edited by N. Wasserman, 1–13. Jerusalem: Magnes Press.

–. 2010. "From the Notebook of a Professional Exorcist." In *Von Göttern und Menschen. Beiträge zu Literatur und Geschichte des Alten Orients. Festschrift für Brigitte Groneberg*, edited by D. Shehata *et al.* Cuneiform Monographs 41), 329–349. Leiden: Brill.

Westenholz, J., and A. Westenholz. 1977. "Help for Rejected Suitors. The Old Akkadian Love Incantation MAD V 8." *Orientalia* 46:198–219.

Wilcke, C. 1985. "Liebesbeschwörungen aus Isin." *Zeitschrift für Assyriologie* 75:288–309.

James Nathan Ford

The Ancient Mesopotamian Motif of *kidinnu*, "divine protection (of temple cities and their citizens)," in Akkadian and Aramaic Magic*

The Jewish Babylonian Aramaic (henceforth JBA) incantation bowl BM 135563 contains a *historiola* that recounts how demonized witchcraft came to attack the client, Gušnazdukht daughter of Aḥat. Fortunately for the latter, she and her house were magically protected and the demonized witchcraft, unable to enter, was forced to admit defeat. The witchcraft was then sent back to the person who had originally performed it as a counterattack. The text reads as follows:

(1) אבבי יתבנא אנה גושנזדוכת בת אחת (2) לבבליתא דמינא באסופי יתבנא אנה גושנזדוכת בת (3) אחת לבורספיתא דמינא בארעה פתתיתא אנה דאניש לא כיפלי (4) {הר} שמי דרמא אנה דאניש לא מטילי הרזיפא מרירתא אנה דאניש לא אכילי (5) מיני נהר מרדי אנה דאניש לא שתי מיני ביתי רחיץ איסקופתי מרימא אתו אלי (6) חרשי בישי פגעי פקי ומללתא אנה גושנזדוכת בת אחת לאפיהו נפקנא מללנא ואמרנא להו (7) לחרשי בישי פקי פגעי פקי ומללתא דתו אכול מידאילנא ותו אישתו מידשיתנא ותו שוף מידשיפנא (8) מליל חרשי בישי פגע פגעי פקי ומללתא האכנ היכי ניכו מידאכלת ונישתי מדשתי ונישוף מדשיפת דארעה (9) פתיתא את דאניש לא כיף לך שמי דרמא את דאניש לא מטילך הרזיפא מרירתא את דאניש לא אכי מינך נהר {מ} (10) מראר את דאניש לא שתי מינך ביתיך רחיץ איסקופתיך מרימא אילא תור זידו אאבדניכו אמשרניכו על טחי קמחיכו (11) זילו ופילו לה בסליה דנהמא דניכו מיניה וניחבן בחצביה דמיא דנישתי מינהו וניחבן באצותיה דמישחא דנישוף מיניה וניחבן (12) בשום תיקוס יהוה צבאות אמן אמן סלה

(1) I sit at my door, I, Gušnazdukht daughter of Aḥat, (2) (and) I resemble a Babylonian. I sit in my vestibule, I, Gušnazdukht daughter of (3) Aḥat, (and) I resemble a Borsippean. I am (text: in) the wide earth, which no one can bend. (4) I am the high heavens, which no one can reach. I am a bitter *harzifa*-herb, of which no one can eat. (5) I am a brackish river, from which no one can drink. My house is secure, my threshold is raised. (6) Evil witchcraft, afflictions, *paqqa*-spirits, and spells came to me. I, Gušnazdukht daughter of Aḥat, went out to meet them. I spoke and said to them, (7) to the evil witchcraft, *paqqa*-spirits, afflictions, *paqqa*-spirits, and spells: "Come eat from what I eat, and come drink

* Bowls labeled JNF and Davidovitz are in private collections and are being prepared for publication by the present author. I would like to thank Ms. Lisa Marie Knothe, Mr. Gil Davidovitz, and Ms. Ester Davidovitz for permission to study and publish the bowls. My appreciation is also extended to Dr. Matthew Morgenstern of Tel Aviv University for the photographs of Davidovitz 2 and for his generous advice during the preparation of this article, and to Prof. Shaul Shaked of the Hebrew University for permission to quote from unpublished bowls in the Martin Schøyen collection (labeled MS). Assyriological abbreviations follow those of the *Chicago Assyrian Dictionary*. The research for this study was supported by the Israel Science Foundation grant no. 1306/12.

from what I drink, and come anoint (yourselves) from what I anoint (myself)." (8) The evil witchcraft, affliction, afflictions, *paqqa*-spirits, and spells spoke thus: "How can we eat from what you eat, and drink from what you drink, and anoint (ourselves) from what you anoint (yourself)? For (9) you are the wide earth, which no one can bend. You are the high heavens, which no one can reach. You are a bitter *harzifa*-herb, from which no one can eat. You are (10) a brackish river, from which no one can drink. Your house is secure, your threshold is raised!" – "If not, go back to your practitioner, to your dispatcher, to the one who grinds your flour! (11) Go and infest his breadbasket, that he may eat from it and be sickened; his water barrel, that he may drink from it and be sickened; his container of oil, that he may anoint (himself) with it and be sickened!" (12) In the name of Tiqos YHWH Sebaoth. Amen, Amen, Selah.[1]

The bowl was first published in 2000 in independent studies by C. Müller-Kessler & T. Kwasman (henceforth MKK) and J. B. Segal.[2] The initial publications were soon followed by studies by C. Müller-Kessler, M. Morgenstern, and M. J. Geller.[3] As discussed in detail by MKK and Geller, the incantation is replete with motifs known from ancient Mesopotamian magic. In particular, MKK have shown that lines 3–4 can be traced back to the Akkadian anti-witchcraft ritual *Maqlû* III, 151–154. They also note that the (attempted) bewitching of the victim's food, drink, and cosmetic oil in lines 7–8 finds parallels in Akkadian magic.[4] Demonized witchcraft, however, acts like any other demon, and Geller thus compares lines 7–8 with *Utukkū lemnūtu* IV, 158'–160' and the Akkadian Diagnostic Handbook, where the demon eats, drinks, and anoints itself together with the victim.[5] One may add that sending witchcraft back to the person who performed it (lines 10–11) is likewise a well-attested motif in Akkadian magic.[6]

One of the most enigmatic elements of the text is the opening statement (lines 1–3a):

אבבי יתבנא אנא גושנזדוכת בת אחת לבבליתא דמינא באסופי יתבנא אנה גושנזדוכת בת אחת לבורספיתא דמינא

I sit at my door, I, Gušnazdukht daughter of Aḥat, (and) I resemble a Babylonian (fem.). I sit in my vestibule, I, Gušnazdukht daughter of Aḥat, (and) I resemble a Borsippean (fem.).

The text comprises word plays on *abbāvay ... bāvlāyṯā* and *basuppay ... bursippāyṯā*. The parallel references to בבליתא "a Babylonian" // בורספיתא "a Borsippean" suggest that here, too, we have a connection with ancient Mesopotamia, since the temple complexes of Babylon and the nearby city of Borsippa were

[1] The reading and interpretation of the text largely follows Morgenstern 2004 and 2005. For a discussion of the new or disputed readings and additional philological notes, see Ford, forthcoming.

[2] Müller-Kessler and Kwasman 2000; Segal 2000, 92–93 and pl. 53.

[3] Müller-Kessler 2001–2002, 129; Morgenstern 2004 and 2005; Geller 2005, 57–61.

[4] Müller-Kessler and Kwasman 2000, 161.

[5] Geller 2005, 58–59.

[6] See Ford, forthcoming.

among the last bastions of ancient Mesopotamian religion and cuneiform culture in late antiquity.[7] The precise intention of the terms, however, remains disputed. Segal's reading לבבליתא רמינא "the Babylonian (spell) I cast" // לבורספיתא רמינא "the (spell) of Borsippa I cast"[8] does not give an appropriate meaning and has been justifiably rejected in all other studies of the text, but there is otherwise no scholarly consensus. Morgenstern translates "the Babylonian" // "the Borsippean" without comment.[9] MKK claim that the client compares herself to the putative goddesses Bablita and Borsipita, whom they identify as Bēltīa (or Ištar of Babylon) and Nanaya, respectively. The comparison would symbolize her unapproachability.[10] Geller, on the other hand, claims that "the reference … in our magic bowl refers to the fact that the client resembles a native Babylonian woman, although she has a Persian name,"[11] but he does not elaborate on the significance of the statement, namely, how it functions within the context of the incantation.

Bēltīa, Nanaya, and Ištar (Delibat) are all occasionally named in the magic bowls,[12] but MKK do not adduce semantic precedents for implicit references

---

[7] See Geller 2005, 57 n. 13; Heller 2010, 27. As is well known, the corresponding parallel pair בבל "Babylon" // בורסיף "Borsippa" occurs in talmudic literature. For example, bSan 109a: אמר רב יוסף בבל ובורסיף סימן רע לתורה, "Rav Yosef said, Babylon and Borsippa are evil omens for the Torah." See also bAZ 11b. Both contexts are quoted by Geller 2005, 57 n. 13, the latter as an example of the survival of ancient Mesopotamian culture in the temple centers into the Parthian period. Cf. also Müller-Kessler and Kessler 1999, 68. The two cities are equated in bSukk. 34a (cf. Oppenheimer 1983, 103). For the collocation of references to Babylon and Borsippa in Mandaic, see Müller-Kessler 1999, 434 (BM 135794 Ia, 16–19), and Drower 1943, 181 (27 and 28). For Babylon and Borsippa in the talmudic period in general, see Oppenheimer 1983, 44–62 and 100–104, respectively.

[8] Segal 2000, 92.

[9] Morgenstern 2004.

[10] Müller-Kessler and Kwasman 2000, 162, 164. They have recently reiterated their interpretation in Kwasman and Müller-Kessler 2012, 193 (see the reply to this study by Morgenstern 2013). Cf. Müller-Kessler and Kessler 1999, 69–70, 75–77. MKK's basic interpretation has been accepted by Sokoloff 2002, 184, s. v. בבלאה, meaning Ib.

[11] Geller 2005, 57 n. 13.

[12] Bēltīa is at present the least well attested of these deities in the magic bowls. Müller-Kessler and Kessler (1999, 70) discuss כל בלתי לא שמיה "every Bēltīa without a name" in AMB B7, 6 (cf. also Naveh and Shaked 1987, 171). An explicit reference to Bēltīa (בילתי) as a specific deity together with Bēl, Nabû, and Nirig (written נירי) occurs in JNF 160, 1. The goddess Nanaya is named, for example, in the JBA bowl BM 91771, 4 and 10 (נינ) (Müller-Kessler 2001–2002, 125–128; Levene, 2013, 117–118), the Syriac bowl AIT 36, 3 (*nn'y*) (Montgomery 1913, 238), and the Mandaic bowl MS 2054/55, 7 (*nanai*). As is well known, the name Ištar in most cases serves as a common noun "goddess" (a usage already well attested in Akkadian, for which see CAD I/J, 271–274 and cf. Müller-Kessler 2005, 224). Reference to the goddess herself is often by her by-name דליבת (as in AIT 28, 5; Obermann 1940, 18, line 5; BM 91771, 5, 10 and 14 [Müller-Kessler 2001–2002, 125–128; Levene 2013, 117–118]; MS 2054/114, 13 [*dlibat*]) or דליות (AMB B13, 17, cf. Naveh and Shaked 1987, 200–203, 212; in line 15 she is called איסתרא דליות, "the goddess Deliwat"). Cf. the evidence for these deities in Mandaic magical texts adduced by Müller-Kessler and Kessler 1999, 72–73, 75–77. For the worship of these and other ancient pagan gods in Sasanian times, see Morony [1984] 2005, 386–387.

to these (or other) deities by means of an epithet in the form of a (nominalized) adjective of relation referring to the deity's main cultic center, as envisaged for "the Babylonian" and "the Borsippean." What one does find are epithets in the form of genitive constructions, such as *nnai ḏ-bursip*, "Nanay of Borsippa" (BM 132947+), or relative clauses, such as *nnai ḏ-šaria bʿulai*, "Nanay who dwells at the Ulay River" (BM 132956+).[13] In Akkadian, however, Ištar is sometimes denoted by an adjective of relation referring to her cultic center. Particularly relevant to MKK's interpretation of BM 135563 is a late copy of a Neo-Babylonian Tammuz lament that enumerates a number of hypostases of Ištar, including *aškaītu*, "the Urukean (goddess)"; *ḫursagkalamaītu*, "the Ḫursagkalamean (goddess)"; *ḫulḫudḫulītu*, "the Ḫulḫudḫulean (goddess)"; MÁŠ-*ītu*, "the MÁŠ-ean (goddess)"; *akkadītu*, "the Akkadian (goddess)"; *kēšītu*, "the Kishean (goddess)"; *dunnaītu*, "the Dunnuean (goddess)"; and *dērītu* "the Derean (goddess)."[14] All these epithets are used independently without an accompanying divine name, as posited by MKK for בורספיתא // בבליתא.[15] Furthermore, one can adduce partial semantic precedents for a client claiming to "resemble" a deity in order to lay claim to supernatural powers. In a Mandaic magic scroll, for example, the practitioner identifies himself with (rather than claiming to "resemble") a number of deities or supernatural beings, including Bēl, explicitly said to be from Babylon (but not referred to as "the Babylonian"): *ana hu bil alaha rba ḏ-babil larqa ḏ-nhaša qaiimna ulbaba rba ḏ-bithiia*, "I am Bēl, the great god of Babylon. I stand upon the copper earth, and at the great gate of the House of Life."[16] The technique of identifying oneself with the deity is very common in Egyptian magic.[17]

Nevertheless, the weight of the evidence supports Geller's basic interpretation of בבליתא "Babylonian (fem.)" // בורספיתא "Borsippean (fem.)" as referring to a human resident of these cities. One may first note that the equivalent (nominal-

[13] For these and additional examples of Mandaic epithets referring to the main cultic center of the deity (or the home of the demon), see Müller-Kessler and Kessler 1999. The etymology of the name of the demoness *trbušnita* (variant: *tarbušnaita*) is uncertain (see Caquot 1972, 77, and cf. Müller-Kessler and Kessler 1999, 83–84). For examples of epithets of the form "Ištar of PN" in a JBA bowl, see Levene and Bohak 2011.

[14] See Lambert 1983. For *Aškaītu* / *Arkaītu*, "the Urukean (goddess)," see also CAD A/2, 272, and Beaulieu 2003, 255–265. For additional epithets of Ištar of this type, see Tallqvist 1938, 331–332.

[15] The exact equivalent of the Aramaic terms, namely, *bābilītu*, "Babylonian (fem.)," and *barsipītu*, "Borsippean (fem.)," as well as their male counterparts *bābilāyu* and *barsipāyu*, however, are attested as personal names of humans, rather than as epithets of deities. See Radner 1999, 244–245, 246, 272, 273.

[16] DC 40, 680–682.

[17] See, for example, Borghouts 1978, 1, 2, 10 and passim; Betz 1986, 9 (PGM I.247–262); 95 (PGM IV.2967–3006); 104–106 (PGM V.213–303); 236 (PDM XIV.805–840); 267 (PGM XXXIII.1–25); 273 (PGM XXXVI.161–177); 297 (PGM LXIX.1–3). Cf. Bohak 2008, 345 and the bibliography cited there in n. 131.

ized) adjectives of relation *bābilāya*, "Babylonians," and *barsipāya*, "Borsippeans," are attested together in the same order in Akkadian texts with reference to humans, as in the following contexts:

a. SAA 17, 45, r.e. 18–e. 1

[*bāb*]*ilāya* ([LÚ.TIN].ˀTIRʾ.KI.ˀMEŠʾ) [*u*] *barsipāya* (LÚ.*bar-sip*.KI.MEŠ) *šarru lišʾa*[*l*]

Let the king as[k] the [Bab]ylonians [and] the Borsippeans.

b. BM 33428 Ib, 18'–20'[18]

bābilāya (LÚ.TIN.TIR.KI.MEŠ) *barsipāya* (LÚ.BÁRA.SIPA.KI.MEŠ) *dutēti kišād puratti gabbi kaldi arami dilbatāya ūmī maʾdūti ana libbi aḫāmeš kakkišunu išelli aḫāmeš urassapu*

The Babylonians, the Borsippeans, (the people of) Dutēti (which is on) the bank of the Euphrates, all the Chaldeans and Arameans (and) the people of Dilbat sharpened their weapons for many days (to fight) with one another (and) slaughtered each other.

Compare also contexts such as:

c. SAA 15, 223, 11–14

maʾda mār bābili (LÚ.DUMU KÁ.DINGIR.KI) *lu mār barsip* (LÚ.DUMU BÁR.SIPA.KI) *ša ina libbi ettiqū*[*ni*]

There are many a Babylonian and Borsippean who pass there.

In addition, similar contexts in two unpublished JBA incantation bowls cast new light on BM 135563. The first, JNF 90, closely parallels BM 135563, but was prepared for a male client. Lines 1–4 read as follows (see Figures 1 and 2):

תשאלון אסותא ורחמי מן קדם שמיא לבטלא חרשי מן ביתה דתליפא בר אימי בביל קמ'נא לבבלהא דמינא
בברסיף קימנא לברספיא דמינא

You shall request healing and mercy from Heaven in order to remove witchcraft from the house of Talifa son of Immay. I stand (in) Babylon (and) resemble a Babylonian (masc.); I stand in Borsippa (and) resemble a Borsippean (masc.).[19]

[18] Frame 1995, 124.
[19] For an edition of this bowl, see Ford, forthcoming.

Figure 1: בביל קמ'נא לבבלהא (JNF 90, 3)

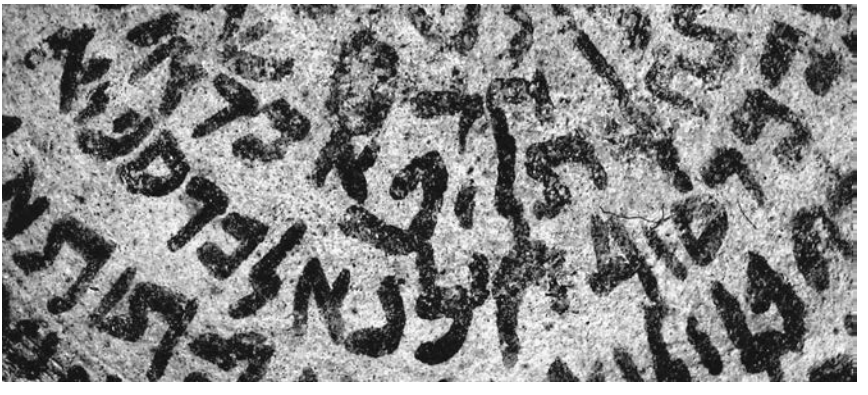


Figure 2: בברסיף קימנא לברספיא (JNF 90, 3–4)

The second, Davidovitz 2, diverges considerably from BM 135563 and JNF 90, but nevertheless shows an unmistakable literary relationship in the opening lines. Lines 1–2a read as follows (see Figures 3 and 4):

אנא דוכתיש בת בהרוי בבאבי קימנא לבאביל דמינא בסופי קינא {ד} לבורסיף דמינא

I, Dukhtīč daughter of Bahāroy, stand at my doorway (and) I resemble Babylon, I stand in my vestibule (and) I resemble Borsippa.

In JNF 90, the male client, Talifa son of Immay, similarly likens himself to "a Babylonian" // "a Borsippean," but this time the masculine forms בבלהא // ברספיא are used. In addition, he declares his physical presence in Babylon // Borsippa. A reference here to divine beings, presumable Bēl and Nabû, seems less likely, as Tallqvist cites no epithets of either deity in the form of (nominalized) adjectives of relation referring to their cultic centers.[20] The decisive evidence, however, is

[20] One finds, rather, epithets such as *bēl bābili*, "Lord of Babylon," referring to Marduk (=

Figure 3: לבאביל דמינא (Davidovitz 2, 1)

Figure 4: לבורסיף דמינא (Davidovitz 2, 2)

found in Davidovitz 2, where the client, Dukhtīč daughter of Bahāroy, likens herself to the cities of Babylon // Borsippa. In this case a reference to deities and their magical powers is out of the question, which suggests that such is the case with both parallel bowls as well. What appears to be important to the client in all three texts, and what renders him or her invincible vis-à-vis the demonized witchcraft, is his or her relationship with the ancient temple cities of Babylon and Borsippa. Namely, the client claims to have the same status as that of the cities of Babylon // Borsippa (Davidovitz 2), or to be (fictitiously) present in Babylon // Borsippa (JNF 90), and/or to have the same status as that of a native of Babylon // Borsippa (JNF 90, BM 135563). I would therefore suggest that BM 135563 and the parallels implicitly refer to the ancient Mesopotamian institution of *kidinnu*, "divine protection (of temple cities and their citizens)."

Certain temple cities in Mesopotamia were considered to enjoy *kidinnu*, "divine protection." Their citizens enjoyed this divine protection as well and, from a practical point of view, were exempt from various taxes and corvée duties, mili-

---

Bēl), and *bēl barsip*, "Lord of Borsippa," referring to Nabû (see Tallqvist 1938, 41–42, 365, 381). Cf. Mandaic *bil alaha rba ḏ-babil*, "Bēl, the great god of Babylon," quoted above.

tary conscription, and physical mistreatment.[21] One of the cities most frequently mentioned with reference to *kidinnu* is Babylon.[22] The following are selected examples, all from the Neo-Assyrian period:

a. Balawat, VI, 4 (Shalmaneser III)[23]:

ana bābili u barsip ṣābē kidinni šubarê ša ilāni rabûti qerēti iškunma akalē kurunna iddinšunūti

He prepared a banquet for (the citizens of) Babylon and Borsippa, people (protected by) *kidinnu*, freed from service obligations by the great gods, and gave them food and *kurunnu*-drink.

b. VAS 1 37 iii, 24–26 (Marduk-apla-iddina II):

pāni ṣābē kidinnu mārē bābili u barsip ušadgil

I granted (the fields) to the people (protected by) *kidinnu*, citizens of Babylon and Borsippa.

c. Winkler, Sar. pl. 30 No. 63:7 (Sargon II):

ša sippar nippur bābilu u barsippa zāninūssun ēteppuša ša ṣābē kidinni mal bašû ḫibiltašunu a[*rībma*]

As for the cities of Sippar, Nippur, Babylon and Borsippa, I continually acted as their provider, I [recompensated] the losses of the people (protected by) *kidinnu*, as many as there were.

d. Borger, Esarh. 21 Ep. 23:18 (Esarhaddon):

bābili āl kidinni "Babylon, the city (protected by) *kidinnu*."

e. SAA 18, 158 (ABL 878), 8–11 (to Assurbanipal and Šamaš-šumu-ukin):

dim.kur.kur.ki *bābilu rikis mātāti mamma mala ana libbi irrubu kidinnūtsu kaṣrat u* bur ur ^{d}en.líl *bābilu šumšu ana kidin šakin kalbu mala ana libbi irrubu ul iddâk(i)*

"Dimkurkurra, Babylon (is) the Bond of the Lands." Whoever enters inside it, his *kidinnu*-status is secured. Also, Babylon (is) "the *bowl* of the Dog of Enlil." Its (very) name is set up for protection. Not even a dog that enters inside it is killed.[24]

f. ABL 926, 1 (Assurbanipal):

ana bābilāya ṣābē kidinniya

To the Babylonians, my people (protected by) *kidinnu*.

---

[21] For *kidinnu* in general, see Reviv 1988; Frame and Grayson 1994, 7–8; Weinfeld 1995, 97–132; Holloway 2001, 293–302, and the bibliography cited in these studies.

[22] Note the many references to Babylon in CAD, K, 342–344, s. v. *kidinnu* and *kidinnūtu*, and the prominence of references to Babylon in the general contexts referring to Assyrian kings and *kidinnu* listed by Holloway (2001, 293–295).

[23] Michel 1967–1968, 32.

[24] Translation following Reynolds 2003, 130.

In several of the examples quoted above, the *kidinnu* of (/ the citizens of) Babylon is mentioned together with that of (/ the citizens of) Borsippa. With respect to the *kidinnu* of Babylon and its citizens, H. Reviv writes:

> It becomes clear that *kidinnu* of the community also involved physical immunity for everyone within the cities' gates. The element of collective security prominently implies a state of asylum, turning the cities of *kidinnu* into cities of refuge. Obviously, according to the understanding of the Babylonians the possessor of permanent or temporary *kidinnūtu* was seen as a sort of taboo that could not be molested.[25]

The fact that both the citizens of Babylon and Borsippa and the cities themselves were protected by *kidinnu* accords well with all the variant formulae in the three bowls. BM 135563 and JNF 90 both liken the client to a native of Babylon // Borsippa, whereas Davidovitz 2 likens the client to the cities of Babylon // Borsippa. The claim by the citizens of Babylon in SAA 18, 158 (quoted above) that "Whoever enters inside it (i. e., Babylon), his *kidinnu*-status is secured" explains why the client in JNF 90 also stresses his physical presence in Babylon // Borsippa.

This interpretation is further supported by the fact that the concept of *kidinnu* was adapted in Neo-Assyrian times for use in the anti-witchcraft ritual *Maqlû*. For example, *Maqlû* VI, 120–127 (cf. ibid., 132, 140, 149):

> *e kaššaptiya lu raḫḫātiya ša ana 1 bēri ippuḫu išāta ana 2 bēri ištappara mār šiprīša anāku īdīma attakil takālu ina ū*[*r*]*iya*[26] *maṣṣartu ina bābīya azzaqap kidinnu mayyāliya altame ulinna ina rēš mayyāliya azzaraq nuḫurtu dannat nuḫurtūma unaṣṣara kal kišpīki*
>
> O my witch and my enchantress, who has lit (her) signal-fires from (a distance of) 1 mile, who has repeatedly sent me her messengers from (a distance of) two miles – I know (you)! I have indeed trusted (in my divine protection)! On my ro[of] is a guard, at my door I have erected *kidinnu*-standards. I have surrounded my bed with colored twine, at the head of my bed I have scattered *nuḫurtu*-plants. The *nuḫurtu*-plant is strong and it shall protect me (from) all your witchcraft![27]

The client similarly claims to enjoy *kidinnu*-protection in the incantation *ša malṭi eršiya*, directed against the demoness Lamaštu:

> *ša malṭi eršiya ittiqu upallaḫanni ušagraranni šunāti pardāti ukallamanni ana bedu idugal erṣetim ipaqqidūšu ina qibīt ninurta apli ašarēdi māri râme ina qibīt marduk āšib esagil u bābili daltu u sikkūru lū tīdâ ana kidin 2 ilāni bēlē andaqut*

---

[25] Reviv 1988, 291.

[26] Reading courtesy of Prof. Tzvi Abusch.

[27] The same use of the verb *zaqāpu* "to erect" occurs with reference to non-magical *kidinnu*-standards at the *bābu*, "gate (of the city)," in Borger Esarh. 3 iii 12–15: *andurāršunu aškun ana ūmē ṣâte ina bābīšunu azqup kidinnu*, "I proclaimed a remission of debts for them (the citizens of Aššur), I erected *kidinnu*-standards at their (city) gates forever."

> He who transgresses the privacy of my bed, makes me shrink for fear, and gives me frightening dreams: on the command of Ninurta, the preeminent son, the beloved son, and on the command of Marduk, who lives in Esagil in Babylon, he shall be handed over to Bedu, the chief gatekeeper of the Netherworld. You, door and door bolt, you must know: (from now on) I fall under the *kidinnu* of (these) two divine lords.[28]

It is significant that in both cases the *kidinnu*-protection is associated with the entrance to the house (*bābu*, "door, gate," and *daltu u sikkūru*, "door and bolt," respectively). It provides the major line of defense against evil forces, whether witchcraft or demons, that would enter the house to harm the client. In BM 135563 and Davidovitz 2, the client similarly faces the demonized witchcraft at the entrance to the house (בבא "door" // אסופא "vestibule"). The appropriation of a religious concept such as *kidinnu* for use in magic is hardly surprising and recalls the use of biblical verses referring to divine protection and healing, such as Ex 15:26 and Dt 7:15, in Jewish amulets and magic bowls.[29]

The archaeological data indicate that when BM 135563 and the parallel bowls were written in the late Sasanian or very early Islamic periods, Babylon and Borsippa were still inhabited, if on a reduced scale.[30] Both cities, however, had long since ceased to enjoy *kidinnu* status. Although Mesopotamian temple cities retained special rights at least into the Seleucid period,[31] the concept of *kidinnu* itself had already fundamentally changed by the Achaemenid period, where it denotes a tax for protection by a human overlord.[32] Nor was there any longer a theological basis for such a status, since the old pagan temples had been in ruins for several centuries.[33] Nevertheless, our texts appear to bear witness to the

---

[28] See Wilhelm 1979 and the bibliography cited therein (the transcription is based on Wilhelm's manuscript L). The translation is based on Wiggermann 2007, 106–107.

[29] For the use of biblical verses in the magic bowls, see recently Müller-Kessler 2013 and Shaked, Ford and Bhayro 2013, 18–20 (cf. pp. 21–23). In the context of *kidinnu* one may note that Zec 3:2, which is probably the most commonly quoted biblical verse in the incantation bowls, refers to God with the epithet הבחר בירושלם, "the one who has chosen Jerusalem," which alludes to the divine protection (= *kidinnu*) accorded to Jerusalem as his temple city (cf. Zec 2:16). For the rights and privileges of Jerusalem as a holy city, see Weinfeld 1995, 97–98, 110–120. The reason the verse is so often quoted, however, is its reference to God "rebuking" Satan, which serves as a precedent for divine aid in the exorcism of demons. For the technical use of גע״ר, "to rebuke," in Jewish magic, see Naveh 1983, 88. For the use of biblical verses in Jewish magic in general, see Bohak 2008, 308–314.

[30] For Borsippa, see Westenholz 2007, 302. Boiy (2004, 192) minimalizes the importance of Babylon after the third century CE (cf. pp. 186–192). According to Boiy (ibid., p. 51), "when the Muslim armies conquered Mesopotamia, Babylon was no more than a small village." For the definitive dating of most of the incantation bowls to the sixth and seventh centuries CE, see Shaked, Ford and Bhayro 2013, 1 and n. 2.

[31] See Diakonoff 1965, 349; Mieroop 2004, 137–138.

[32] Reviv 1988, 294–295.

[33] For a survey of the evidence for the final history of the Mesopotamian temple cities and their temples, including Babylon and Borsippa, see Westenholz 2007, 299–307, and the references cited therein. Westenholz (ibid., 305–307) doubts whether any major Mesopotamian temples were still functional at the end of the Parthian period. Geller (1997, 63–64) believes

survival of the memory of the original concept and, importantly, its use in magic specifically against witchcraft, until the end of the talmudic period.[34]

Bibliography

Beaulieu, P.-A. 2003. *The Pantheon of Uruk during the Neo-Babylonian Period*. Cuneiform Monographs 23. Leiden: Brill/Styx.

Betz, H. D., ed. 1986. *The Greek Magical Papyri in Translation, Including the Demotic Spells*. Chicago: University of Chicago Press.

Bohak, G. 2008. *Ancient Jewish Magic: A History*. Cambridge: Cambridge University Press.

Boiy, T. 2004. *Late Achaemenid and Hellenistic Babylon*. Orientalia Lovaniensia Analecta 136. Leuven: Peeters.

Borghouts, J. F. 1978. *Ancient Egyptian Magical Texts*. Nisaba 9. Leiden: Brill.

Brockelmann, C. [1928] 1966. *Lexicon Syriacum.* 2nd ed. Halle: Max Niemeyer. Reprint, Hildesheim: Georg Olms, 1966.

Caquot, A. 1972. "Un phylactère mandéen en plomb." *Semitica* 22:67–87.

Diakonoff, I. M. 1965. "A Babylonian Political Pamphlet from about 700 B. C." In *Studies in Honor of Benno Landsberger on his Seventy-fifth Birthday, April 21, 1965*, edited by H. G. Güterbock and T. Jacobsen, 343–349. Assyriological Studies 16. Chicago: University of Chicago Press.

Drower, E. S. 1943. "A Mandaean Book of Black Magic." *Journal of the Royal Asiatic Society* 1943:149–181.

Epstein, J. N. 1921. "Gloses babylo-araméennes." *Revue des Études Juives* 73:27–58.

Ford, J. N. Forthcoming. "Studies in Aramaic Anti-witchcraft Literature: I. A New Parallel to the Talmudic Babylonian Aramaic Magic Bowl BM 135563."

Frame, G. 1995. *Rulers of Babylonia: From the Second Dynasty of Isin to the End of Assyrian Domination (1157–612 BC)*. Royal Inscriptions of Mesopotamia, Babylonian Periods, 2. Toronto: University of Toronto Press.

---

that the last temples did not survive long into the Sasanian period. See also Heller 2010, 23. Kessler (2008, 477) adduces evidence from a Mandaic incantation for the continued existence of numerous pagan temples in Mesopotamia throughout the Parthian period. He takes a maximalist view, dating the closure of the last temples to the fourth century CE.

[34] Levine (1970, 353, 355) discerns a reflex of Akk. *kidinnu* in AIT 16, 8, where he reads נקיטן כדנא רוחי בישתא, "refuge is taken away from evil spirits" (p. 353) for Montgomery's "gripped likewise are evil Spirits" (Montgomery 1913, 188). He relates the Aramaic term to Syriac *kdn*, which he defines as "refuge, protection," citing Epstein (Epstein [1921, 48] in fact interprets the Syriac term as "lien"). Montgomery's hand-copy, however, suggests the reading נקיטן ברזא רוחי בישתא, "seized by the mystery (i. e., the spell) are the evil spirits," which accords with Geller's (1980) reading and translation of the parallel, Bowl C, 6 (see the comments in Geller 1980, 56). Compare VA 2493, 5 (unpublished): אסירין בפרזלא שידי נקיטאן ברזא לוטתא ושיקופתא ואשלמתא, "Bound by iron are the demons, seized by a mystery are the curse and blow and spell." Furthermore, the meaning "refuge, protection" does not appear to be attested for Syriac *kdn*ʾ (see Sokoloff 2009, 600; Payne Smith 1903, 205). The relationship of the Syriac term with Akkadian *kidinnu*, proposed by Brockelmann ([1928] 1966, 318), is hence without basis and has been justifiably rejected by Sokoloff (2009).

Frame, G., and A.K. Grayson. 1994. "An Inscription of Ashurbanipal Mentioning the *kidinnu* of Sippar." *State Archives of Assyria Bulletin* 8:3–12.

Geller, M.J. 1980. "Four Aramaic Incantation Bowls." In *The Bible World: Essays in Honor of Cyrus H. Gordon*, edited by G. Rendsburg et al., 47–60. New York: KTAV.

–. 1997. "The Last Wedge." *Zeitschrift für Assyriologie* 87:43–95.

–. 2005. "Tablets and Magic Bowls." In *Officina Magica: Essays on the Practice of Magic in Antiquity*, edited by S. Shaked, IJS Studies in Judaica 4, 53–72. Leiden: Brill.

Heller, A. 2010. *Das Babylonien der Spätzeit (7.–4. Jh.) in den klassischen und keilschriftlichen Quellen*. Oikumene Studien zur antiken Weltgeschichte. Berlin: Verlag Antike.

Holloway, S.W. 2001. *Aššur is King! Aššur is King!: Religion in the Exercise of Power in the Neo-Assyrian Empire*. Culture and History of the Ancient Near East 10. Leiden: Brill.

Kessler, K. 2008. "Das wahre Ende Babylons – Die Tradition der Aramäer, Mandäer, Juden und Mänichäer." In *Babylon – Mythos und Wahrheit*, edited by J. Marzahn and G. Schauerte, 467–480. Berlin: Staatliche Museen zu Berlin.

Kwasman, T., and C. Müller-Kessler. 2012. "Once Again on the Unique Incantation Bowl BM 135563." *Journal of the American Oriental Society* 132:189–198.

Lambert, W.G. 1983. "A Neo-Babylonian Tammuz Lament." *Journal of the American Oriental Society* 103:211–215.

Levene, D. 2013. *Jewish Aramaic Curse Texts from Late-Antique Mesopotamia*. Magical and Religious Literature of Late Antiquity 2. Leiden: Brill.

Levene, D., and G. Bohak. 2011. "A Babylonian Jewish Aramaic Incantation Bowl with a List of Deities and Toponyms." *Jewish Studies Quarterly* 18:1–17.

Levine, B.A. 1970. "The Language of the Magical Bowls." In *A History of the Jews in Babylonia, V: Later Sasanian Times*, edited by J. Neusner, Studia Post-Biblica 15, 343–375. Leiden: Brill.

Michel, E. 1967–1968. "Die Assur-Texte Salmanassars III. (858–824), 11. Fortsetzung." *Die Welt des Orients* 4:29–37.

Mieroop, M. van de. [1997] 2004. *The Ancient Mesopotamian City*. Oxford: Oxford University Press.

Montgomery, J.A. 1913. *Aramaic Incantation Texts from Nippur*. The Museum, Publications of the Babylonian Section 3. Philadelphia: University of Pennsylvania Museum.

Morgenstern, M. 2004. "Notes on a Recently Published Magic Bowl." *Aramaic Studies* 2:207–222.

–. 2005. "Additional Notes to the Aramaic Magic Bowl BM 135563." *Aramaic Studies* 3:203–204.

–. 2013. "Yet Again on the Unique Incantation Bowl BM 135563" *Journal of the American Oriental Society* 133: 111–117.

Morony, M.G. [1984] 2005. *Iraq after the Muslim Conquest*. Piscataway, NJ: Gorgias Press. First published 1984 by Princeton University Press.

Müller-Kessler, C. 1999. "Aramäische Beschwörungen und astronomische Omina in nachbabylonischer Zeit: Das Fortleben mesopotamischer Kultur im vorderen Orient." In *Babylon: Focus mesopotamischer Geschichte, Wiege früher Gelehrsamkeit, Mythos in der Moderne. 2. Internationales Colloquium der Deutschen Orient-Gesellschaft 24.–26. März 1998 in Berlin*, edited by J. Renger, Colloquien der Deutschen Orient-Gesellschaft 2, 427–443. Saarbrücken: Saarbrücker Druckerei und Verlag.

–. 2001–2002. "Die Zauberschalensammlung des British Museum." *Archiv für Orientforschung* 48–49:115–145.

–. 2005. "Of Jesus, Darius, Marduk …: Aramaic Magic Bowls in the Moussaieff Collection." *Journal of the American Oriental Society* 125:219–240.
–. 2013. "The Use of Biblical Quotations in Jewish Aramaic Incantation Bowls." In *Studies on Magic and Divination in the Biblical World*, edited by H. R. Jacobus et al., 227–245. Biblical Intersections II, Piscataway: Gorgias Press.
Müller-Kessler, C., and K. Kessler. 1999. "Spätbabylonische Gottheiten in spätantiken mandäischen Texten." *Zeitschrift für Assyriologie* 89:65–87.
Müller-Kessler, C., and T. Kwasman. 2000. "A Unique Talmudic Aramaic Incantation Bowl." *Journal of the American Oriental Society* 120:159–165.
Naveh, J. 1983. "A Recently Discovered Palestinian Jewish Aramaic Amulet." In *Arameans, Aramaic, and Aramaic Literary Tradition*, edited by M. Sokoloff, Bar-Ilan Studies in Near Eastern Languages and Culture, 81–88. Ramat Gan: Bar-Ilan University Press.
Naveh, J., and S. Shaked. 1987. *Amulets and Magic Bowls: Aramaic Incantations of Late Antiquity*. 2nd ed. Jerusalem: Magnes Press.
Obermann, J. 1940. "Two Magic Bowls: New Incantation Texts from Mesopotamia." *American Journal of Semitic Languages and Literatures* 57:1–31.
Oppenheimer, A. 1983. *Babylonia Judaica in the Talmudic Period*. Beihefte zum Tübinger Atlas des Vorderen Orients, Reihe B, 47. Wiesbaden: Dr. Ludwig Reichert Verlag.
Payne Smith, J. 1903. *A Compendious Syriac Dictionary*. Oxford: Clarendon Press.
Radner, K., ed. 1999. *The Prosopography of the Neo-Assyrian Empire, 1/II: B–G*. Helsinki: The Neo-Assyrian Text Corpus Project.
Reviv, H. 1988. "*Kidinnu*: Observations on Privileges of Mesopotamian Cities." *Journal of the Economic and Social History of the Orient* 31:286–298.
Reynolds, F. 2003. *The Babylonian Correspondence of Esarhaddon and Letters to Assurbanipal and Sin-šarru-iškun from Northern and Central Babylonia*. State Archives of Assyria 18. Helsinki: Helsinki University Press.
Segal, J. B. 2000. *Catalogue of the Aramaic and Mandaic Incantation Bowls in the British Museum*. London: British Museum Press.
Shaked, S., J. N. Ford and S. Bhayro, 2013. *Aramaic Bowl Spells: Jewish Babylonian Aramaic Bowls 1*. Magical and Religious Literature of Late Antiquity 1. Leiden: Brill.
Sokoloff, M. 2002. *A Dictionary of Jewish Babylonian Aramaic of the Talmudic and Geonic Periods.* Dictionaries of the Talmud, Midrash and Targum 3. Ramat Gan: Bar Ilan University Press; Baltimore: Johns Hopkins University Press.
–. 2009. *A Syriac Lexicon: A Translation from the Latin, Correction, Expansion and Update of C. Brockelmann's "Lexicon Syriacum."* Winona Lake, IN: Eisenbrauns; Piscataway, NJ: Gorgias Press.
Tallqvist, K. L. 1938. *Akkadische Götterepitheta*. Studia Orientalia 7. Helsinki: Societas Orientalis Fennica.
Weinfeld, M. 1995. *Social Justice in Ancient Israel and in the Ancient Near East*. Jerusalem: Magnes Press.
Westenholz, A. 2007. "The Graeco-Babyloniaca Once Again." *Zeitschrift für Assyriologie* 97:262–313.
Wiggermann, F. A. M. 2007. "Some Demons of Time and Their Functions in Mesopotamian Iconography." In *Die Welt der Götterbilder*, edited by B. Groneberg and H. Spieckermann, 102–116. Berlin: W. de Gruyter.
Wilhelm, G. 1979. "Ein neues Lamaštu-Amulett." *Zeitschrift für Assyriologie* 69:34–40.

Reuven Kiperwasser and Dan D.Y. Shapira

Encounters between Iranian Myth and Rabbinic Mythmakers in the Babylonian Talmud

At the request of the organizers of the conference, this paper summarizes some findings that have already been published by the authors, but so as not to leave the *bet ha-midrash* without a *Ḥiddush*, we will also suggest a new reading not discussed previously.[1]

Rich in rivers, streams, and canals, Babylonia is not like the land of Israel; Babylonia, to paraphrase Dt 11:10–15, is another Egypt, a land in which the hydrologic cycle is closely connected with an oppressive power. Weeping is appropriate to subjects in riverlands. Contrary to this, the land of Israel is the land of rain in its due season and of wells and cisterns for keeping water, where the hydrological cycle is in the hands of God. In this paper we will deal with waters, God, exile from one's home, and with what one could have seen while traveling on strange paths or turbid waters.

This paper is built around three stories from the Babylonian Talmud that, in our opinion, best display the meeting between the culture of the rabbinic sages and the culture of the Other, and in which rabbinic mythmakers created their own imagined world from elements of Iranian and other mythologies. When a culture finds itself constrained in a competitive framework with others, it begins to tell stories in which it explores itself and even defines its borderlines. As it was brilliantly stated by Joshua Levinson,

> When cultures feel threatened, they begin to tell tales. Sometimes these are retellings that strengthen the dominant fictions and sometimes they are new or revised narratives. Through these narratives, the imagined community guards its borders and defines for itself who is inside, who is outside, and why.[2]

The talmudic sages are generally regarded as some sort of pre-Maimonidean rationalist philosophers; this widespread view is obviously apologetic. The sages were typical late antique intellectuals who were asking questions about their own cosmos and providing answers by using the common method of mythmaking.

---

[1] This paper summarizes the results of three previously published studies (Kiperwasser 2008; Kiperwasser and Shapira 2008, 2012) as well as Kiperwasser and Shapira, forthcoming. It also incorporates new ideas that continue the exploration of aggadic passages of the Bavli for traces of early Iranian myths.

[2] See Levinson 2000.

Those interested in intercultural encounters on the rivers of Babylon should carefully read the tales told by the Bavli's storytellers. In the first two stories under consideration we meet Rabbah bar Bar Ḥanah (henceforth: RBBH); this person is generally called R. Abba bar Bar Ḥanah in our Palestinian rabbinic sources.[3] As a rule, he is regarded as a third-generation amora. A native of Babylonia, he nevertheless spent some time in the land of Israel, though he does not feature prominently in the Palestinian rabbinic sources. In the Bavli, he is typically portrayed as a teller of fantastic stories about his travels.[4] In addition to claiming that he had visited biblical sites and seen weird places or creatures, he was one of the most important transmitters of the Iranian lore that was incorporated into the Bavli.[5]

I. The Story of the Ridyā

First we will see how an Iranian mythological creature, known from Zoroastrian sources as the three-legged ass, made its way into the Babylonian Talmud, where it appears in the guise of the *Ridyā* – a bovine creature that has the role of a mediator in regulating the hydrologic cycle.[6]

bTa'an 25b

Said Rabbah bar Bar Ḥannah,	אמר רבה בר בר חנה
I saw that Ridyā; he resembles a heifer three years old,	לרידי חזי לי האי רידיא דמי לעיגלא תלתא
his lip is split[7]	ופירטא שפתיה
and he is stationed between the upper and the lower depths,	וקאים בין תהומא עילאה לתהומא תתאה
to the upper depth he says: "Pour down your water,"	לתהומא עילאה אמר ליה: חשור מימיך

[3] See Albeck 1987, 305; Stemberger 1996, 92.

[4] For a more detailed discussion of the RBBH stories, see Kiperwasser 2008, 224–225. For a bibliography of the Rabbah bar Bar Ḥanah tales, see Kiperwasser 2008, 215, n. 2. See also Ben Amos 1976; Yassif 1999, 206–221; Stemberger 1989; Gershenson 1994; Stein 1999; Thrope 2006.

[5] Ten of his stories are in bBB 73a–74b, and seven in other talmudic treatises. See bShab 21a; bEruv 55b; bYom 75b; bGit 4a; bYev 120b; and Zev 113b = bBB73a.

[6] This part is an abridged and reworked version of Kiperwasser and Shapira 2008.

[7] A parallel to this strange expression *pirṭā sifteih* is found in the famous story about Rav Kahana's trial in bBK 107a; there, the young R. Kahana appeared before the scrutinizing eye of Rabbi Johanan extremely excited and *parṭei sifwatei*, "his lips were moving" – an action that was understood by Rabbi Johanan, the elder sage, as a sign of laughter. Thus, there is a kind of movement of the lips that was liable to be interpreted as laughter. We are not certain that the usage *parṭīn bo*, "to make fun of someone," has a bearing on this passage, but see Kohut's opinion in Nathan ben Jehiel [1878–1892] 1969, part 6, p. 423.

and to the lower depth: "Let your water spring up," as it is said [Song 2:12]: "The flowers appear on the earth; the time of the singing is come, and the voice of the turtle[dove] is heard in our land."

לתהומא תתאה אמר ליה אבע מימיך שנאמר הנצנים נראו בארץ עת הזמיר הגיע וקול התור וכו׳

Both the content and the language of the story are difficult and raise several problems. Before relating these problems, we shall first explain the hydrological mechanism of the scene. In biblical cosmology we find a tripartite structure of the world: the heaven, earth, and the lower level of the world, with the primeval waters separated into two, enveloping the heavens, with an upper reservoir of water above the heavens and a lower reservoir under the heavens.[8] The term for the lower reservoir is *tehōm*, "depth, abyss," and it is connected in many ways with the production of rain. The "treasury" of rain is situated in the upper level of the world, namely, in the heavens. Rabbinic literature tells of an upper abyss that is full of water and a lower abyss that contains the primeval waters. The rainwater is poured down onto the earth through channels as a result of the interaction between the abysses, as described in a tannaitic tradition (tTa'an 1:4):

אמ׳ ר׳ שמעון בן לעזר אין לך כל טפח וטפח שיורד מלמעלה שאין הארץ פולטת כנגדו טפחים וכן הוא אומ׳ תהום אל תהום קורא וגו׳

Said R. Sime'on ben Ele'azar: There is not a handbreadth [of rain] that falls from above of which the earth does not emit two handbreadths on its account. And so it says [Ps 42:8]: "Abyss calls unto abyss [at the voice of Your channels]."[9]

This is an example of equal interaction between the upper and the lower partners. Despite the differences, it seems that both the Palestinian and the Babylonian sages agree in their usage of the following tannaitic tradition, which is probably based on the earliest (Jewish?) rainmaking model. The interpretation of this tannaitic model by the Palestinian sage R. Levi is quite common in the rabbinic literature:

Genesis Rabbah 13:14[10]

R. Sime'on ben Ele'azar said: Not one handbreadth [of rain] descends from above without the earth bringing up two corresponding handbreadths.

אמר ר׳ שמעון בן אלעזר אין לך טפח יורד מלמעלן שאין הארץ מעלה כנגדו טפחיים

What is the proof [from Scripture]? "Abyss calls unto abyss [at the voice of Your channels]" [Ps 42:8].

מאי טע׳ תהום אל תהום קורא וגו׳

R. Levi said: The upper waters are male while the lower are female, and they say one to the other:

אמר ר׳ לוי המים העליונים זכרים והתחתונים נקבות והן אומרים אילו לאילו

[8] See Horowitz 1998, 341–342.
[9] Liebermann 1962, 324.
[10] Theodor and Albeck 1965, 122.

“Receive us; You are the creatures of the Holy One, blessed be He, whilst we are His messengers.”	קבלונו, אתם ברייתו שלהקב״ה ואנו שלוחיו
Immediately they receive them; thus it is written,	מיד הן מקבלין אותן הה״ד
“[Let the sky pour down righteousness;] let the earth open” [Is 45:8] –	תפתח ארץ וגו׳
like a female who opens to the male	כנקיבה זו שהיא פותחת לזכר

The Palestinian model of rainmaking as a direct interaction between the abysses was based on the Bible and further developed in Second Temple and Palestinian rabbinic literature. However, the agent at the wedding of the upper and lower waters in the story of the Babylonian Talmud comes from the Iranian mythological *bestiarium*. A late Sasanian composition, *Dādestān ī Mēnōg ī Xrad* 62:26–27, states:

> *xar ī sē-pāy miyān ī zrēh ī warkaš nišīnēd, ud hāmōyēn āb ī ō nasā ud daštān ud abārīg hixr ud *rēmanīh wārēd ka ō xar ī sē-pāy rasēd hāmōyēn pad wēnišn pāk ud yōjdahr kunēd.*
>
> The three-legged ass sits amidst the sea of Warkaš,[11] and as to water of every kind that rains on dead matter, the menstrual discharge, and other bodily refuse and filth, when it arrives to the three-legged ass, he makes every kind clean and purified, with his sight.[12]

The *Pahlavi Rivāyat accompanying the Dādestān ī Dēnīg* (= PRDD) 35a6 explains it thus:

> *ka abr āb stānēd pad nērōg ī wād ud jumbišn ī hān xar ī sē pāy ī andar miyān ī zrēh estēd <ō> andarway be šawēd.*
>
> When the cloud draws up water from the sea, through the power of the wind and the movement of the three-legged ass which stands in the middle of the sea, it [the water] goes up to the atmosphere.[13]

The role of the three-legged ass in the hydrological process is best described in a post-Sasanian Zoroastrian composition, *Bundahišn* (henceforth *Bnd*),[14] which is based on Sasanian sources. Chapter 24:10–21 of the “Iranian,” or “longer,” version of this work reads as follows:

> 10. *xar ī 3 pāy rāy gōwēd ku: ‘miyān ī zrēh ī Frāxvkard ēstēd u-š pāy 3, ud cašm 6, ud gund 9, ud gōš 2, ud srū ēwag, ud sar xašēn, ud tan spēd, ud mēnōg-xvarišn ī ahlaw.*

[11] According to the beginning of the same chapter, the three-legged ass lives in the mysterious city of Kangdiz, together with other requirements of the Eschaton.

[12] English translation adopted, with minor changes, from West 1885, 111; see also West 1871. For a Persian translation, see Tafaźźolī 1354 Š. [1975] and its second edition, Tafaźźolī 1364 Š. [1985]. For a glossary to the composition, see Tafaźźolī 1348 Š. [1969]. For editions, see T. D. Anklesaria 1913; Sanjana 1895.

[13] See Williams 1990, 1:145–146, 192–193; 2:62, 89. Cf. also PRDD 49.8.

[14] For the “Shorter” or “Indian” version of this work, see Justi 1868; for an English translation of that version, see West 1897. For editions, publications of the text, and an English translation of the “Greater” or “Iranian” version of the work, see T. D. Anklesaria 1908; B. T. Anklesaria 1956; P. K. Anklesaria 1970a, 1970b.

11. *u-š ān ī 6 cašm 2 pad cašm-gāh ud 2 pad bālist ī sar ud 2 pad kōf-gāh; ud pad ān 6 cašm sēj ud sējišnōmand*īh ī wad-tar tarwēnēd ud zanēd.*
12. *ud ān 9 gund 3 pad sar, 3 pad kōf, 3 pad andarōn ī nēmag ī pahlūg, ud har gund ē cand kadag-masāy u-š and cand kōh ī Xvanuuąnd.*
13. *ud ān 3 pāy har ēwag ka nihād ēstēd and zamīg dārēd cand 1,000 mēš ka pad ham-nišīnišnīh gird frōd nišīnēnd, xvurdag ī pāy and cand 1,000 mard abāg asp ud 1,000 wardyūn padiš andar widērēd.*
14. *ud ān 2 gōš Māzandarān-dehān bē wardēnēd.*
15. *ud ān ēwag srū zarrēn-homānāg ud sūrāgōmand, u-š 1,000 srū ī abārīg az-iš rust ēstēd, hast uštor-zahā, hast asp-zahā, hast gāw-zahā, hast xar-zahā, hast meh-iz ud keh-iz, pad ān srū harwisp ān ī kō[x]šišnōmand *xrafstar ī wad-tar sēj bē zanēd ud bē tarwēnēd.*
16. *ka ān xar andar zrēh gardan bē dārēd ud gōš bē xamēd, hamāg āb ī zrēh ī Frāxvkard pad candišn candēd ud bē *škāfēd*[15] *kust ī Vanāwad(?).*
17. *ka wāng kunēd, hamāg dām ī ābīg ī mādag ī Ōhrmazdīg ābus bawēd ud hamāg xrafstr ī ābīg ī ābus ka ān wāng ašnawēnd rēdag bē *abganēnd.*
18. *ud ka andar zrēh mēzēd, hamāg āb ī zrēh yōždahr bē bawēd kē pad haft kišwar ī zamīg, ud pad ān cim hamāg xar ka āb wēnēnd, andar mēzēnd.*
19. *ciyōn gōwēd ku: 'agar xar ī 3 pāy yōždahrīh ō āb nē dād hād, harwisp ābān bē abesīhīd hād *pad āhōgēnišnīh ī Gannāg-Mēnōg abar ō āb burd ēstēd, pad margīh ī dām ī Ōhrmazd'.*
20. *ud Tištr āb az zrēh *ī *Frāxvkard pad ayārīh ī xar ī 3 pāy rāy abēr-tar stānēd.*
21. *ud ambar-iz paydāg ku sargēn ī xar ī 3 pāy hast, cē agar was-iz mēnōg-xvarišn hast pas-iz ān nam ī parwāl ī āb pad sūrāgīhā ō tan šawēd pad gōmēz ud sargēn abāz abganēd.*

10. About the Three-Legged Ass, He/It says: "He stands in the midst of the Sea of Frāxvkard and has three legs and six eyes and nine testicles and two ears and one horn and his head is bluish-greenish, and his body is white-shining, and his food is 'spiritual' and he is righteous.
11. "And of his six eyes, two are in the eye-sockets and two on the top of his head and two on his hump, and with these six eyes he overcomes and smites the worst dangers and troublesome harm.
12. "And of those nine testicles three are in his head, and three are in his hump, and three are on the middle/inside of his ribs, and each testicle is as big as a house, and he (himself) is as big as Mt. Xvanwand.
13. "And of those three legs each one, when set down, takes as much ground as a thousand sheep when they all settle down together in a circle; the pastern of his leg is as such that a thousand men with horses and a thousand chariots could pass through it.
14. "Those two ears turn over the provinces of Māzandarān.
15. "As this one horn is golden and holed, and a thousand other horns have grown from it, some the size of camels, some the size of horses, some the size of bulls, some the size of asses, some of them greater and some smaller; with this horn he strikes and overcomes all the warlike **xrafstr* as of worst danger.

[15] Compare *Bnd* 21c:6–8 (discussed further below): *xarr ī se-pāy ī andar zrayā ī Warkaš frāz jumbēd, hamag āb ī zrayā* ***pad šiwišn šiwēd*** *ud āb be ō kustān ī zrayā abganēd* (the three-legged ass moves forth in the Sea of Warkaš and all the water of the Sea **is violently disturbed** and he hurls the water to the sides of the Sea).

16. "When that Ass holds his neck in the sea and bends his ears down, all the water of the sea of Frāxvkard quakes and splits the coast of *Vanāwad*[?].
17. "And when he brays, all the aquatic female creatures of Ōhrmazd become pregnant, and all the aquatic [female] noxious creatures, which are pregnant, when they hear this sound, cast out their young.
18. "And when he urinates into the sea all the water of the seas becomes purified – [all the water] which is in the seven climes of the earth. And for that reason all asses when they see water urinate into it."
19. As one/He/Avesta says: "If the Three-Legged Ass had not given purification to the water, all the waters would have been destroyed and the defilement of the Stinking Ghost would have been brought upon the water, to the death of all the creation of Ōhrmazd."
20. And Tištr/Sirius takes the water from the seas (of *Frāxvkard) mostly because of the assistance of the Three-Legged Ass.
21. And it is revealed about ambergris that it is the dung of the Three-Legged Ass, for even though it is mostly a spiritually-eating (creature), still, the moisture and nutrition of the water enters its body through pores and it casts them away as urine and dung.

The role of the three-legged ass as a mediator in mythological hydrologic processes is all too similar to the rabbis' obscure calf-like creature, the Ridyā of *bTa'anith*, who mediates between the abysses and therefore has an active role in the hydrologic processes. Most of what is said about this three-legged ass in Persian literature corresponds closely to the functions and characteristics of the "threefold heifer," such as his drawing the subterranean waters by his voice while he speaks to the תהומא תתאה (the lower abyss) to make its water flow forth (אבע מימיך); the imperative חשור מימיך (pour your waters down) in our *bTa'anith* passage is, of course, parallel functionally to the urination of the Ass into the waters (by which he purified all the water of the seas, in all the seven climes of the earth). The mention of the voice(s) of the channels as a means of communication between the abysses (תהום אל תהום לקול צנוריך) is a fascinating example of harmonization of inherited hydrologic perceptions with notions borrowed from the cultural environment, namely, the idea of the channels through which the water goes forth from the subterranean reservoirs to all the seven climes of the earth, feeding thus the sources of all the waters of the lakes. Again, the voice of the "threefold heifer" finds its exact parallel in the voice of the braying of this three-legged ass, the voice that impregnates all the benevolent aquatic female creatures. In short, these numerous close parallels reveal that Ridyā of the Bavli is a rabbinic adaptation of the Iranian three-legged ass. While the Iranian hydrologic model is mediated by special mythic creatures, such as the three-legged ass or Tištrya (see further), the model attributed to RBBH not only introduces the Iranian mediator, it also harmonizes two different hydrologic models, the Jewish and the Iranian. It is known from other stories in the Bavli attributed to RBBH that this storyteller had a strong inclination to cultural naturalization, that is, building new cultural patterns out of mythic elements from the Iranian heritage.

II. Stories of RBBH's Voyages

The second story under consideration belongs to the chain of stories from *bBava Batra* 73a–74a about RBBH's voyages. It can be shown that the plots of these stories are not serious or heroic; rather, they are parodies in which rabbinic culture depicts and examines certain cultural values. This process facilitated the incorporation of the values of the Iranian Other into Babylonian rabbinic culture; however, rabbinic culture did this by drawing on the exotic dimensions of the other culture to build a framework of its own.

Bavli *Bava' Batra'* 73–75 contains a large aggadic block, characterized by unity of language and style, that can be divided into five or six textual units or sections,[16] including two stories about the force of the sea's waves (73a–b); RBBH's journeys to exotic places (73b); the sea voyages of the sages (74a); stories about Behemoth and Leviathan served as food at the eschatological feast (74b); preparations for an eschatological feast (74b–75a); and, finally, an eschatological epilogue (75b). Though originally formed from separate stories, these textual units should be seen as one integrated text that was incorporated by the editor of the Bavli.

In fact, this block constitutes a detailed quasi-midrashic interpretation of Psalms 104 and 107, which thus supply the organizing principle of this talmudic chapter. A trait common to the majority of the stories is the pervasive presence of Iranian mythological beasts, although sometimes their names have been aramaicized.[17] Among these creatures are Hwrmyz bar Lilwatha; 'Urzila as big as Mt. Tabor; a frog as large as Hgrwny' fortress; the giant fish Kwwrā; the sea-monster *Tnyn*' and his adversary, the giant bird Pyšqnṣ'; Leviathan and other *tnynym*; and, again, Leviathan and Behemoth.

All these fabulous creatures find their analogues in the aforementioned chapter 24 of the Middle Persian Zoroastrian *Bundahišn*. The order of appearance of these corresponding creatures in *Bnd* 24, after references to Ōhrmazd and Ahriman, is as follows: a devilish Ahriman-shaped giant frog that might damage the *Haoma*-tree (which is requisite for the future resurrection of mankind); two Ōhrmazd-created giant *Kara* fishes, who circle the frog to prevent it from harming the *Haoma*; the cosmic Tree of Many Seeds that grows in the middle of the sea of Frāxvkard and contains all the seeds of all the plants; the aforementioned three-legged ass, so important in the hydrological circulation process; the Ox Hadayōš (who is also called Srisōg); two fabulous birds, Čamrūš (who picks people from all the non-Iranian lands as a bird picks grain) and Karšift/Karšiptar (who recites the Avesta in the language of birds); the aquatic Bull (when it raises its voice, all the fish become pregnant, and all the pregnant noxious creatures

[16] Cf. Kiperwasser 2008.
[17] See Rubin 1909–1910, 45–54; Kiperwasser and Shapira 2008, 101–116.

abort their young); and the mythic birds Sīmurgh (Sēnmurw) and Ašōzušt / Ašō.zušta.[18]

As we have shown elsewhere, the similarities in the composition of the two corresponding chapters, that of Bnd and that of the Bavli, and in the order of the mythical creatures hint at a common prototype, a mythological *bestiarium* that was organized and built in roughly the same manner.[19] We can go now to the first RBBH story in *bBava Batra*.[22]

bBB 73a–b

Rabbah said: I by myself saw Hwrmyz son of Lilwatha, who was bouncing on the castle wall on the cupola[20] and a rider, galloping below on horseback, could not overtake him.

ואמ׳ רבא לדידי חזי לי הורמיז בר לילואתא דהוה קא משואר אקובנאה דמחוזא ורהיט פרשא כי רכבי סוסיא מתתאי ולא יכיל ליה

Once they saddled for him two mules in the bridles on two bridges of the Rognag; and he jumped from one to the other, backward and forward, holding in his hands two cups of water, pouring alternately from one to the other, and not a drop fell to the ground.

זמנא חדא סרגי ליה תרתי כודניאתא <וקימן>[21] אתרי גשרי דאגנג ושוור מהאי להאי ומהאי להאי ונקיט תרי מזגי מיא בידיה ושפיך מהאי להאי ומהאי להאי ולא נטף נטו[פ]תא מינ[י]יהו

On that day "They mounted up to the heaven, they went down to the deeps; their soul melted away because of trouble" (Ps 107:26).

וההוא יומא ״יעלו שמים ירדו תהומות׳

When the kingdom heard [of this], they put him to death.

שמע מלכותא עילוה וקטעתיה[22]

This first story about the dancing demon named *Ōhrmazd, who was a son of many female demons (Lilwatha), is the clearest expression of the conflict between the forces of destruction and forces of order. Of course, Ōhrmazd is God in Zoroastrianism, and not a demon; it is Ahriman, Ōhrmazd's *Satan*, who should be looked for here. In our reading of this talmudic text, we follow the versions of the best manuscripts and suggest the reading Hwrmyz / Hurmiz / *Ōhrmazd son of Lilwatha, instead of Hwrmyn / Ahriman. We shall provide an explanation for our reading in the Appendix.

As a consequence of the peculiar and unusual actions that the demonic creature has performed with two cups of water and two mules, a storm arises whose appearance is proclaimed by a quotation from Ps 107:26 – as already mentioned,

---

[18] On these creatures, cf. Boyce 1991, 89–90.

[19] See Kiperwasser and Shapira 2012.

[20] Ms Paris: קא רהיט אקוקפי דשורא; Ms Madrid: קא רהיט אקופקי דשורא; Ms Oxford: [רהיט] (רביט) פרשא אוקפי׳ דשורא׳; Ms Vatican: דהוה אקופי דמחוזא; Ms Munich: הוה רהיט אקופ׳ דשור׳ דמחוז׳. We prefer the version of Hamburg. According to other witnesses, it can be understood that he was jumping from cupola to cupola and that these cupolas were above the city wall. Regarding the term *aqubana*, see Sokoloff 2002, 160.

[21] Corrected according to Ms Paris.

[22] Paris: וקטלוה; Madrid: וקטליה; Oxford: ולקטליה; Vatican וקטעתיה; Munich: וקטעתי.

part of the material on which the entire passage is built – and then the demonic actor is executed by a royal command.[23] The talmudic storyteller has made the good god of the Iranian religion into a demon produced by multiple whore-like demonesses[24] (possibly by way of a well-known Mesopotamian slur that still exists in 'Iraqi Arabic), thus producing the symbolic devaluation of the mythological figure. As a citizen of late antiquity, the narrator does not deny the existence of other gods, but declares them to be demons.[25] Furthermore, a demon called Hwrmyz was listed in 938 CE by al-Nadīm b. al-Warrāq in chapter 8, section 2, of his *Fihrist* as one of Solomon's demons.[26]

In our story, the hero named after the god of the Zoroastrian religion becomes a typical mythological trickster, closely connected with the forces of nature, who can awaken its powers and cause cataclysms with a slight movement. Once the activity of the trickster leads to a predominance of chaos, an imperial power, "the kingdom," which represents the forces of order, executes the villain. The criminality of his actions becomes explicable when he is compared with another Iranian mythological figure: our trickster represents a kind of parody of the divine Tištrya.[27]

Tištrya is the Iranian divinity in charge of bringing down rain and is generally identified with the star Sirius. One version of the Tištrya myth concerns the fight of Tištrya with Apaoša, the demon of draught.[28] In another version, Tištrya/Tištr produces rain in collaboration with the three-legged ass known in the Bavli as *Ridyā*, already mentioned above.[29] Tištrya manipulates his goblet, named here "a vessel for the right measure of the waters," as Hurmiz son of Lilwatha manipulated his cups on the walls of Mahoze. The text of *Bnd* 21c:6–8 reads:

6. As (the Avesta) says, "the Three-legged Ass moves forth in the Sea of Warkaš and all the water of the Sea is violently disturbed and he hurls the water to the sides of the Sea."	6. ciyōn guft ku "xarr ī se-pāy ī andar zrayā ī Warkaš frāz jumbēd, hamag āb ī zrayā pad šiwišn šiwēd ud āb be ō kustān ī zrayā abganēd."
7. Sirius [Tištr] descends with the help of the *Fravashi*s of the righteous and other spiritual *Yazad*s,	7. Tištr pad ayyārīh ī Frawahr ī ašōgān ud ān-iz mēnōgān-Yazedān frōd āyēd,

[23] Kiperwasser 2008, 57.

[24] On the Zoroastrian whore-demonesses, see Widengren 1967; de Jong 1995.

[25] See Kiperwasser 2008, 60.

[26] Dodge 1970. See the discussion of Arabic demonological texts drawing from Middle Persian and Jewish sources in Schwartz 2002.

[27] A different explanation was proposed in Kiperwasser 2008, 231, where the actions of *Hwrmyz* were taken as a sin against the water, a sacred element in Zoroastrianism.

[28] Cf. Panaino 1995, 36–45.

[29] The *xar-ī se pāy*, "three-legged ass," is one of the most prominent collaborators (*hamkārān*) of Tištrya/Tištr in Pahlavi sources, as in *Dādestān ī dēnīg* 92; see Gignoux 1988. On Tištrya/Tištr, see also Panaino 1995, 87–94; 2001. See also Kiperwasser and Shapira 2008, and the discussion below.

he has in his hand a large vessel of rain, which they call "a cloud for a pot of the [right] measure."	meh jāmag ī wārān pad dast dārēd, kē "abr-ō-xumb-ē-paymān" xwānēnd;
First he sets it on the water, secondly he turns it round, thirdly he fills it, shakes it and takes it up and ascends into the atmosphere.[30]	nazdist abar āb nihēd ud dudīgar wardēnēd ud sidīgar purr be kunēd ud be jumbēnēd, ud abar gīrēd ud ul ō andarwāy šawēd,
Then that water goes up as one entity with the wind, like a whirlwind when it lifts a dust storm into the atmosphere.	pas ān āb ēwag-dag pad wād frāz rawēd, ōwōn ciyōn wād-gird ka xāk-gird ō andarwāy abrāzēd.
8. And the wind too in that way, in collaboration with Sirius, draws water up into the atmosphere and establishes (it there) and arranges (it over) the various regions.	8. ud wād-iz pad ān ēwēnag pad ham-kārīh ī abāg Tištr, āb ō andarwāy āhanjēd ud nihēd ud kišwar-kišwar rāyēnēd.

It is quite possible that in the perception of the talmudic narrator, the figures of the divine mediator of the rain (Tištrya) and its demonic antagonist (Apaoša the demon of draught, or Ahriman) were confused or intentionally changed and thereby transformed into a new entity. The motions and jumps of the talmudic demon resemble the movements of Tištrya, which affect the circulation of water in nature. In the above-mentioned passage from *Bnd*, the narrator tells the story of the divine mediator's manipulation of a vessel of water and its consequences in humorless seriousness.

We want to suggest that the agile fingers of the demonic character in the talmudic story parody the gestures of the Iranian deity and thus symbolically reduce the value of his divine manipulations. The syncretistic approach of the talmudic narrator is selective and characterized by whimsical logic: he attaches great importance to the exploitation of the treasury of rain stored in the heavenly realms. Therefore he adopts the mythological creature Ridyā as a mediator, but rejects Tištrya, whom he identifies with his demonic opponent, Ahriman. We would venture to suggest that Ridyā was selected as a mediator because of his nonhuman characteristics, and Tištrya was rejected and demonized because of

[30] Cf. *Zādsprahm* 3:16: *u-š pad stōwīh be rānēnīd Apōš dēw u-š abāz dašt az cašmagān ī zrēh u-š pad jam ud xumb ī paymānīg ī az Frawahrān dāštan xvēškārīh cand wēšist āb abar āhixt ud cand škeftar pad zanišn abar wārānēnīd sreškān ī cand mard sar ud gāw sar meh ud keh*. French translation: "Et il fit fuir le démon Apōš en défaite, et l'écarta des sources de la mer, et par un coupe et une jarre moyenne qu'il obtint des frawashis (comme) function, il tira de l'eau le plus possible et le plus violemment, it fit pleuvoir pour (le) frapper des gouttes aussi grandes qu'une tête d'homme et une tête de bœuf, grandes et petites." Text and translation from Gignoux and Tafazzoli 1993, 42–43.

his humanlike shape, as represented in his shrines,[31] which were well known to the Bavli sages.[32]

III. The Story of the Lion

In *bḤullin* 59b are discussed various mythological beasts that inhabit the mysterious and sublime Be-Ila'i (the place from above).

> Rab Judah said: The Keresh is the deer of Be-Ila'i, the Tigris is the lion of Be-Ila'i. R. Kahana said: There is a distance of nine cubits from one ear of the lion of Be-Ila'i to the other ear. R. Joseph said: The hide of the deer of Be-Ila'i is sixteen cubits long.

Judging by the name of this place, Be-Ila'i (namely the highest area or upper house), and by the assumed huge dimensions of the animals inhabiting it, we are talking about an extremely spacious and lofty domain; we would identify it with the highest area of the sky, the astral place, because soon thereafter a story is related in which figures of animals inhabiting the celestial space appear rather dramatically.

bHul 59b[33]

The Emperor said to R. Joshua b. Ḥananiah, "Your God is compared to a lion, for it is written: 'The lion hath roared, who will not fear?' (Am 3:8). But what is the superiority of this? A horseman can kill the lion!"
He said: "He has not been likened to the ordinary lion, but to the lion from above!"
"I desire," said the Emperor, "that you show it to me."
He replied: "You cannot behold it."
"Certainly," said the Emperor, "I will see it."
He [R. Joshua b. Ḥananiah] prayed and the lion set out from its place.

אמ׳ ליה קיסר לר׳ יהושע בן חנינא
אלהכון באריא מתילא דכתי׳ אריה
שאג מי לא יירא מאי ריבותיה פרשא
קטיל[34] אריא
א׳ ליה לאו בהאי אריא
מתיל דכתי׳ אלא באריא דבי עילאי
א׳ ליה בעינא דתחזיניה לי[35]
<א׳ ליה: לא מצית חזית > ליה
א׳ ליה איברא חזינא ליה
בעא רחמי עקר <ליה> מדוכתיה

[31] Regarding the Temple of Tīr at Seleucia on Tigris, see Bernard 1990. Regarding the possible image of Tishtria (?) on paintings of Ghulabiyan, see Grenet 1999, 66–67; Lee and Grenet, 1998, 75–85. Our words of thanks go to Dr. Michael Schenkar for these references.

[32] On the anthropomorphic image of the deity, see Schenkar 2012. For discussion of a relevant Teiro coin, see Göbl 1994, 55; Grenet and Marshak 1998, 12.

[33] Based on Ms Hamburg 169.

[34] Ms Vatican: 122: אקטיל; Munich 95: קטול.

[35] Ms Vatican 123: דמחזית לי נהלי; Vatican 122: דמחזית לי׳ ניהליה; Vatican 121: דמחזית ליה ניהליה; Munich 95: דליחוית להו ניהלי; Hamburg 169: דתחזיניה לי; Soncino (1489): בעינא דמיחזית לי׳ ניהלי; Oxford, Bodl. heb. c. 27 (2835) 29–30: דמחויה ליה ניהלאי; Cambridge T-S F1 (2) 9: אמ׳ לי?ר/ה? לא מצית אמ׳ ליה אפילו הכי למיחזיה.

When it was four hundred *parasang*s distant it roared once, and all pregnant women of the race of Rome miscarried.
When it was three hundred *parasang*s distant it roared again, and all the molars and incisors of man fell out; even the Emperor himself fell from his throne to the ground.
"I beseech you," he implored, "pray that it return to its place." He prayed and it returned to its place.

ואתא כי הוה רחוק ארבע מאו״י פרסי [נהים קלא[36] ואפיל כל מעוברתא ושורייא דרימי נפלו[37]
כי הוה מרחק תלת מאה נהים] נהים קלא אחרינא נתור ככי ושיני דגברי
ו<אף> הוא נפל מכורסייה לארעא
א׳ ליה במטותא מינך בעי רחמי דליהדר לדוכתיה בעא רחמי והדר לדוכתיה

In this highly entertaining story, the sage calls upon a certain lion from the highest spheres[38] and, according to the narrator, his presence in that remote place is appropriate both for the Jewish sage and for the pagan king. The lion makes his way down 300,000 *parasang*s, which is one-third of the thickness of the firmament according to *bPesaḤim* 94a: "The world is six thousand *parasang*s, and the thickness of the heaven [*raqīa'*] is one thousand *parasang*s."

It is interesting to check the cosmological model that is hidden behind this story against the much older Mesopotamian cosmological model. According to Wayne Horowitz, ancient Mesopotamians believed that the heavens were extremely broad and high.[39] In many contexts, the heavens are said to be vast and to extend over the entire surface of the earth. In the Etana Epic, the hero Etana and the eagle fly upward for six leagues[40] without reaching the top of the heavens, and an astronomical text, AO 6478 (TCL 6 21), states that circumnavigation of the Path of Enlil entails a voyage of 655,200 leagues.[41] No ancient text measures the earth's surface. In the Theogony of Dunnu (CT 46 55), an even larger figure of 143,200 leagues is recorded as the distance between the heavenly *asurrakku* and the earth. However, modern calculations based on distances between the *ziqpu*-stars in the astronomical text AO 6478 indicate that the disk of the earth's surface could have a diameter of 218,400 leagues.[42] We can see that not only

[36] All the textual versions, except the Soncino edition and the *editio princeps*, have נהים.

[37] Ms Cambridge T-S F1 (2) 9: עוברות ושורא דרומי נפל; Soncino (1489): מעברת׳ ושור׳ דרומי נפל; Vatican 123: מעברת׳ ושורי דרומי; Vatican 122: מעברתא ושורי דרומי; Vatican 121: דרומי מעברתא; Munich 95: מעברתא ושורי דרומי. Our translation is based on a reconstruction of the text; we suppose that *šorei de-romi* should be understood as "the Race of Rome," due to the idiomatic usage of *šūrā d-rhōmāyā* in Syriac (*vera stirps Romanorum*, see Brockelmann 1928, 802a; Sokoloff 2009, 1535). This could be a semantic calque of Iranian *nāf*, meaning both "navel" and "race, family."

[38] Strawn 2005.

[39] Professor Horowitz kindly noted this possibility at the Encounters conference.

[40] The league used in ancient Rome, defined as 1.5 Roman miles (7,500 Roman feet = 2.22 km = 1.4 miles), is equal to one *parasang*.

[41] See Horowitz 1998, 264.

[42] Horowitz 1998, 334.

did the talmudic universe retain the structure of the Mesopotamian cosmos,[43] it even had more or less the same dimensions; but while the heavens of the ancient Mesopotamians were inhabited by their gods, the talmudic sages populated their skies with a safari of mythological animals.

Despite the fact that the beast is relatively far off, its voice is the cause of very dramatic destruction. It seems clear according to the narrative logic that the sage wishes to teach the arrogant "Roman" king a lesson. But why has the lion from above been elected for this purpose? Perhaps it simply fits the exegetical requirements of an interpreter. However, if we assume that the narrator is using a mythological figure from the pantheon of the Other, the story will take on added value. Recall that a celestial lion appears in many ancient myths, frequently playing a role in the context of a narrative about royal and divine authority. We want to show the traces of this myth as they are portrayed in the scant remains of ancient Iranian iconography.

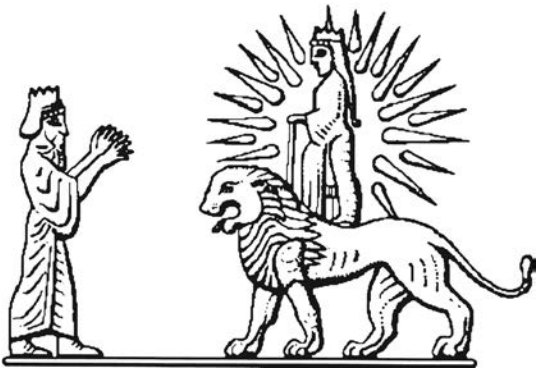


Figure 1: Ishtar on the back of a lion

On an Achaemenid seal discovered on the northeastern coast of the Black Sea, the goddess Ishtar is represented as mounted on a lion and surrounded by divine radiance, appearing before a Persian king (Figure 1).[44] The details of the dress and crown of the king and the goddess are Persian, but in all other respects, the seal is a faithful reproduction of centuries-older Assyrian seals depicting appearances of the goddess Ishtar to members of the imperial ruling class. Symbols are durable and easy to mimic.[45]

---

[43] As was proposed by Zarfati (1966).

[44] This picture is actually the Melammu Project logo, which was drawn by Rita Berg from a Greco-Persian-style seal found on the northeastern shore of the Black Sea (Collon 1987, no. 432). For more details, see Simo Parpola, "The Name and Logo of Melammu," http://www.aakkl.helsinki.fi/melammu/project/prhiname.php.

[45] On relevant coins from Kushan, the goddess Nana is depicted sitting on the back of a lion. Regarding Nana, see Ambos 2003; Ghose 2006.

Ishtar the lioness – along with the goddess Nana/Nanaya – continued to be a vital part of the folklore and popular religion of this region till rather late times, as demonstrated by the magical texts presented by Dr. J. Ford to the audience at the Encounters conference.[46] In this regard, no less interesting is the colossal statue of the lion on Mount Nimrod (Namrud-Dağ), the former capital of ancient Commagena, symbolizing the divine protector of the royal power of Antiochus of Commagena. The extant horoscope of this royal dynasty also features the celestial lion.

In Mithraic rites, a lion-headed deity, as well as the lion, served as a symbol of one of the levels of initiation into the mysteries of Mithras, and these beings also deserve to be mentioned here. A relationship between the astrological speculations in Commagena and Mithraism – and indeed the idea that Mithraism's astral lore and learning are derived directly from Commagenian astrology – was convincingly proposed by Beck.[47]

Therefore, by narrating a story about a Palestinian sage and a Roman emperor, our narrator actually was representing the typological sage, while the image of the emperor was adopted from the familiar image of a ruler of Anatolian Irano-Hellenistic monarchies, using elements of his royal symbolism. Symbols of the culture of the stranger serve as building blocks for rabbinic storytelling, and the astral lion, on whose back the ancient deity reveals herself to the kings of the East, becomes an obedient pet of the Jewish sage. A foreign king, whose identification as "Roman" is only a marker of his strangeness, is unable to see even the servant beast, the typical mythological pedestal of the divine glory, to say nothing of God himself.

Thus, in these three rabbinic stories we learn how the culture of the sages formed the whole surrounding universe, both the symbolic and physical, and how it was built from everything that its mythmakers could find: from its biblical heritage, and from the whole complex of mythological speculation, both ancient and recent, borrowed from the common culture.

Appendix: *Hwrmyz* versus *Hwrmyn*

During a discussion on a draft of this paper, Dr. Shai Secunda suggested that the interchange of names in the passage under discussion was perhaps dictated by features of the transmission of the talmudic text and that perhaps the interchangeability of these names in a certain fragment of the treatise *Sanhedrin* 39a is evident. Thus, we feel obliged to demonstrate that in our passage in *Bava' Batra'* we have a different phenomenon.

[46] See his contribution in this volume.
[47] See Beck 2004, 324; 2006, 237–239.

It should be noted that the names of the good and evil gods of the Iranian religion in the talmudic lexicon differ by one letter only, *Hwrmyz* versus *Hwrmyn* (הורמיז/הורמין); in addition, the letters in question, *z* and the final form of *n*, are extremely similar.

Despite the fact that the reading *Hwrmyn* (*Ahriman) seems more simple and convenient and was suggested by traditional commentators who knew about the distinction between the supreme Zoroastrian god and his adversary, this reading should be ignored, since it is likely the result of a correction by a copyist, as commentators have proposed. Despite the already mentioned fact that the talmudic sages themselves were well aware of the nature of the Iranian deities, nevertheless, their names were liable to be confused during the transmission of the talmudic text. For example, let us consider the celebrated text of *bSanhedrin* 39a:

> A *magus* once said to Amemar: "From the middle of your [body] upwards you belong to *Ōhrmazd (*Hwrmyn*); from the middle downwards, to *Ahriman ('*hrmyn*)." The latter asked: "Why then does *Ahriman permit *Ōhrmazd to send water through his territory?"[48]

It would seem that there is a convention accepted by the participants in this exchange that the upper part of the body dominates the lower, which contains the excretory organs and is thus less respectable. The dual nature of the human body should be explained, according to the anthropology of the magi, by the intervention of different deities. But this particular text, which seems simple enough, was deemed very difficult by the copyists, who sought uniformity, and thus they ceded both parts of the body to either Hwrmyn or Hwrmyz. Below are the manuscript versions of this passage.

Sanhedrin 39a Florence II-I-9	*Sanhedrin* 39a Jerusalem – Yad Harav Herzog 1	*Sanhedrin* 39a Munich 95	*Sanhedrin* 39a Barko (1498)
אמ׳ ל׳ ההוא אמגושא לאמימר מיפלגן לעילאי דהורמין מיפלגן לתתאי דאהרמין אמ׳ ל׳ הכי שביק ליה אהרמין להורמין ל(?ה?)[ע] בורי מיא בארעי׳	אמר ליה ההוא אמגושא לאמימר מפלגך לעילאי דהו רמיז מ(ל)[פ]לגך לתתאי דאהו רמיז אמ׳ ליה היכי שביק ליה אהו רמיז להו רמיז לעבורי מיא בארעיה	א״ל ההו׳ אמגוש׳ לאמימ׳ מיפלגך לעיל׳ ברא הורמין מפלגך לתתאי ב״ר [ ] הורמין א״כ היכי שביק לי׳ הורמין לא הורמין למעבר מיא בארעי׳	אמ׳ ליה ההוא אמגושא לאמימר מפלגך לעילאי דהורמיז מפלגך לתתאי דאהורמיז אמ׳ ליה אם כן היכי שביק ליה אהורמיז להורמיז לעבורי מיא כארעיה

It is possible that this unfortunate confusion among the versions was provoked by the everlasting impact on the scribes of Rashi's commentary on bSan 39a.

[48] On this passage, cf. Ahdut 1999, 27–28 (Hebrew pagination), and the notes there.

Of *Hwrmyz* – this is a demon, as is said: *Hwrmyz* son of Liletha, BB 73a.	דהורמיז – שד, כדאמר הורמיז בר לילתא, בבא בתרא (עג, א).
Of *'-hwrmyz* (or, A-*Hwrmyz*, Non-*Hwrmyz*) – the Holy Blessed be He is called thus.	דאהורמיז – הקדוש ברוך הוא קרי הכי.
"And how Non-*Hwrmyz* could let *Hwrmyz*" make the stinking water flowing in His territory,	והיכי שביק ליה – (אמר לו היאך שביק) אהורמיז להורמיז לאעברא מיא סרוחים בארעיה,
if so, how could Non-*Hwrmyz* permit to make water/urine flow through His territory,	אם כן היאך מניח אהורמיז להעביר מים בארצו,
for everything that a human being inserts into his mouth, he expels through the lower openings of his body.	שכל מה שאדם מכניס דרך פיו מוציא דרך הנקבים התחתונים.

It is clear that Rashi's version in BB 73a was *Hwrmyz*, and probably he did not see any difference between *Hwrmyn* and *Hwrmyz*; thus he believed that one of the names was wrong and that the adversary of *Hwrmyz* was A-*Hwrmyz*, the Non-*Hwrmyz*.

In contrast to Rashi, Rashbam reports two versions of BB 73a, namely, one *Hwrmyn* and the other *Hwrmyz*, but most likely his version of *Sanhedrin* had already been corrupted, for the copyist applied the reading *Hwrmyz* / *Ōhrmazd to the lower body.

Hwrmyn is read with the letter *nun*, so I have heard from my master my father; and I have also heard that this is *Hwrmyz* with the letter *zayin*, and this is a demon, according to what is said in *Sanhedrin* (39) "from the middle downwards of *Hwrmyz*."	הורמין – בנו"ן גרסי' כך שמעתי מאבא מרי ואני שמעתי הורמיז בזי"ן שד כדאמרי' בסנהדרין (דף לט) מפלגא דתתא דהורמיז

Unlike Rashi, the tosaphists did understand the difference between these names, as indicated by their comments on the discussion in *bGittin* 11a:

> What are the *shemot mubhakin* / distinctive names like? R. Papa said: "Such as *Hwrmyz*, and Abudena, Bar Shibbethay, and Bar Qidri, and Bati, and Neqim-Ona."

R. Papa's opinion regarding the so-called *shemot mubhakin* is that they were personal names characteristic and distinctive of other religions and therefore could not be used among the Jews. It seems that this formulator had knowledge of the differences between these divinities and also knew that Iranians had the custom of naming their children *Hwrmyz*. This tradition is very revealing about the theophoric names of different religions prevalent in Babylonia, and deserves further discussion, but here we confine ourselves to its reflection in the following medieval text (Tosafot Gittin 11a):

הורמין – בנו״ן גר״ת דלא מסקי ישראל הכי דהורמין הוא שם שטן ושד אבל הורמיז בזיי״ן הוא לשבח בפ׳ אחד דיני ממונות (סנהדרין דף לט) מפלגא דידך ולעיל דהורמיז ולתחת דהורמין הראשון בזיי״ן והשני בנו״ן ורש״י גריס תרוייהו בזיי״ן אלא שבשני גריס דאהורמיז ואיפרא הורמיז (ב״ב דף ח) מפרש ר״ת חן מאת המקום דאיפרא לשון חן כמו אפריון נמטייה כו׳ (ב״מ דף קיט) ולא כרש״י דפירש בפרק שני דנדה (דף כ) דיופי של שדים היו לה.

Hwrmyn was read by Rabbeinu Tam with the letter *nun* and the Israelites do not use this name, for *Hwrmyn* is the name of the Satan and a demon, but *Hwrmyz* with the letter *zayin* is a positive name in *Pereq ʻEḥad Diney Mamonot* (*Sanhedrin* 39): "from this middle and upwards – of *Hwrmyz* and below – of *Hwrmyn*," the first one with the letter *zayin* and the second one with the letter *nun*. But Rashi has read both with the letter *zayin*. However, he (Rashi) has read the second one as "of '-hwrmyz" and "Ifra-Hwrmyz" (BB 8). Rabbeinu Tam explains (Ifra-Hwrmyz) as "Divine Grace," for "Ifra" means "grace," as "let a palanquin be put …,"[49] etc. (BM 119a), and not as Rashi explained in the second chapter of the treatise *Niddah* (20b), that she (Ifra-Hwrmyz) had a demonic beauty.

Here we can see how the tosafist understood that Rashi had made a mistake in comprehending the names of Iranian divine figures and tried to fix the situation by providing a correct explanation of the names. However, as the talmudic saying goes, once a mistake is implanted it cannot be eradicated (bBB 21a). And so the names of two mythological figures became permanently substituted for each other in the medieval versions of the text.

Thus, the similarity of the names *Hwrmyz* and *Hwrmyn* led to confusion in both *Sanhedrin* and *Bava' Batra'*, but whereas the original passage in *Sanhedrin* juxtaposed the two mythological figures, the tradition found in *Bava' Batra'* originally referred to only one of these figures. This means that the formulator of our passage in *Bava' Batra'* could not have erred by mixing up *Hwrmyz* and *Hwrmyn* in the text of *Bava' Batra'* itself, but he could have been influenced by an error already committed in the text of *Sanhedrin*.

Taking into account the fact that the Ashkenazi version is likely to have been edited under the influence of Rashi, we would insist on the originality of the Sephardic versions, and justify the reading *Hwrmyz* with the help of the above explanation.

[49] This is popular etymology: the word *ʾprywn*/*ʾappiryōn* is a Greek loan word (*phoreion*) in Hebrew, cf. Brown, Driver, and Briggs 1979, 68a.

Bibliography

Ahdut, Eli. 1999. "Jewish-Zoroastrian Polemics in the Babylonian Talmud." In *Irano-Judaica IV: Studies Relating to Jewish Contacts with Persian Culture Throughout the Ages*, edited by S. Shaked and A. Netzer, pp. 17–40. Jerusalem: Ben-Zvi Institute.

Albeck, Ḥ. 1987. *Mavo' la-talmudim.* Tel Aviv: Devir.

Ambos, C. 2003. "Nanaja – eine ikonographische Studie zur Darstellung einer altorientalischen Göttin in hellenistisch-parthischer Zeit." *Zeitschrift für Assyriologie* 93:231–272.

Anklesaria, B. T. 1956. *Zand-Ākāsīh, Iranian or Grater Bundahišn: Transliteration and Translation in English*. Bombay: Rahnumae Mazdayasnan Sabha.

Anklesaria, P. K. 1970a. *The Bondahesh, Being a Facsimile of the Manuscript TD 1*. Tehran: Iranian Cultural Foundation.

–. 1970b. *The Codex DH, Being a Facsimile Edition of Bondahesh, Zand-e Vohuman Yasht, and Parts of Denkard*. Tehran: Iranian Culture Foundation.

Anklesaria, T. D. 1908. *The Bûndahishn, Being a Fascimile of the TD Manuscript No. 2 brought from Persia by Dastur Tîrandâz and now preserved in the late Ervad Tahmuras' Library*. Bombay: British India Press.

–. 1913. *Dânâk-u Mainyô-i Khrad: Pahlavi Pazand and Sanskrit Texts*. Bombay: Fort Printing Press.

Beck, R. 2004. *Beck on Mithraism: Collected Works with New Essays*. Ashgate Contemporary Thinkers on Religion 324. Aldershof, Hants, England: Ashgate.

–. 2006. *The Religion of the Mithras Cult in the Roman Empire: Mysteries of the Unconquered Sun*. Oxford: Oxford University Press.

Ben Amos, D. 1976. "Talmudic Tall-Tales." In *Folklore Today: A Festschrift for Richard M. Dorson*, edited by L. Degh, H. Glassie, and F. J. Oinas, 25–43. Bloomington: Indiana University, Research Center for Language and Semiotic Studies.

Bernard, P. 1990. "Vicissitudes au gré de l'histoire d'une statue en bronze d'Héraclès entre Séleucie du Tigre et la Mésène." *Journal des Savants* 1 (1–2):3–68.

Boyce, M. 1991. *A History of Zoroastrianism*, vol. 3: *Zoroastrianism under Macedonian and Roman Rule*. Leiden: Brill.

Brockelmann, C. 1928. *Lexicon Syriacum*. 2nd ed. Halle: Max Niemeyer.

Brown, F., S. R. Driver, and C. A. Briggs. 1979. *The New Brown, Driver, Briggs, Gesenius Hebrew and English Lexicon*. Peabody, MA: Hendrickson.

Collon, D. 1987. *First Impressions: Cylinder Seals in the Ancient Near East*. London: British Museum Publications.

Dodge, B., ed. and trans. 1970. *The Fihrist of al-Nadīm: A Tenth-Century Survey of Muslim Culture*. 2 vols. New York: Columbia University Press.

Gershenson, D. E. 1994. "Understanding Puškansa." *Acta Orientalia* 55:23–36.

Ghose, M. 2006. "Nana: The 'Original' Goddess on the Lion." *Journal of Inner Asian Art and Archaeology* 1:97–113.

Gignoux, P. 1988. "Le mécanisme de la pluie entre le mythe et l'expérimentation (Dādestān ī dēnīg 92)." *Iranica Antiqua* 23:385–392.

Gignoux, P., and A. Tafazzoli, eds. and trans. 1993. *Anthologie de Zādspram*. Studia Iranica 13. Paris: Association pour l'avancement des études iraniennes.

Göbl, R. 1984. *System und Chronologie der Münzprägung des Kušanreiches*. Vienna: Österreichische Akademie der Wissenschaften.

Grenet, F. 1999. "La peinture sassanide de Ghulbiyan (Afghanistan)." *Dossiers d'Archeologie* 243:66–67.

Grenet, F., and B. I. Marshak. 1998. "Le mythe de Nana dans l'art de la Sogdiane." *Arts Asiatiques* 53:5–18.

Horowitz, W. F. 1998. *Mesopotamian Cosmic Geography*. Mesopotamian Civilizations 8. Winona Lake, IN: Eisenbrauns.

Jong, A. de. 1995. "Jeh the Primal Whore? Observations on Zoroastrian Misogyny." In *Female Stereotypes in Religious Traditions*, edited by R. Kloppenborg and W. J. Hanegraaff, Studies in the History of Religions 66, 15–41. Leiden: Brill.

Justi, F., ed. 1868. *Der Bundahesh*. Leipzig: F. C. W. Vogel.

Kiperwasser, R. 2008. "Massa'ot shel Rabba bar Bar Ḥanah," *Jerusalem Studies in Hebrew Literature* 20:215–241.

Kiperwasser, R., and D. D. Y. Shapira. 2008. "Irano-Talmudica I: The Three-Legged Ass and Ridyā in B. Ta'anit: Some Observations about Mythic Hydrology in the Babylonian Talmud and in Ancient Iran." *AJS Review* 32: 101–116.

–. 2012. "Irano-Talmudica II: Leviathan, Behemoth and the 'Domestication' of Iranian Mythological Creatures in Eschatological Narratives of the Babylonian Talmud." In *Shoshannat Yaakov: Jewish and Iranian Studies in Honor of Yaakov Elman*, edited by S. Secunda and S. Fine, 203–235. Leiden: Brill.

–. Forthcoming. "Irano-Talmudica III: Giant Mythological Creatures in Transition from the Avesta to the Babylonian Talmud." In *Orality and Textuality in the Iranian World: Patterns of Interaction Across the Centuries*, edited by J. Rubanovich. Leiden: Brill.

Lee, J., and F. Grenet. 1998. "New Light on the Sasanid Painting at Ghulbiyan, Faryab Province, Afghanistan." *South Asian Studies* 14:75–85.

Levinson, J. 2000. "Bodies and Bo(a)rders: Emerging Fictions of Identity in Late Antiquity." *Harvard Theological Review* 93:343–372.

Liebermann, S. 1962. *Tosefta ki-fshutah*. New York: Jewish Theological Seminary.

Nathan ben Jehiel. [1878–1892] 1969. *'Arukh ha-shalem*. Edited by A. Kohut. 8 vols. Vienna: n.p.

Panaino, A. 1995. *Tištrya*, vol. 2, *The Iranian Myth of the Star Sirius*. Serie Orientale Roma 68.2. Rome: Istituto italiano per il Medio ed Estremo Oriente.

–. 2001. "Between Mesopotamia and India. Some Remarks about the Unicorn Cycle in Iran." In *Mythology and Mythologies: Methodological Approaches to Intercultural Influences. Proceedings of the Second Annual Symposium of the Assyrian and Babylonian Intellectual Heritage Project Held in Paris, France, October 4–7, 1999*, edited by R. M. Whiting, Melammu Symposia 2, 149–179. Helsinki: Neo-Assyrian Text Corpus Project.

Rubin, S. 1909–1910. *Paras vi-Yehudah*. Kraków: F. H. Wetsteins.

Sanjana, D. P. 1895. *The Dînâ î Maînû î Khrat*. Bombay: Duftur Ashkara.

Schwartz, M. 2002. "Qumran, Turfan, Arabic Magic, and Noah's Name." In *Charmes et sortileges: Magie et magiciens*, edited by R. Gyselen, Res Orientales 14, 231–238. Bures-sur-Yvette: Groupe pour l'Etude de la Civlisation du Moyen-Orient.

Schenkar, M. 2012. "Aniconism in the Religious Art of Pre-Islamic Iran and Central Asia." *Bulletin of the Asia Institute* 22:239–257.

Sokoloff, M. 2002. *A Dictionary of Jewish Babylonian Aramaic of the Talmudic and Geonic Periods*. Dictionaries of the Talmud, Midrash and Targum 3. Ramat Gan: Bar Ilan University Press; Baltimore: Johns Hopkins University Press.

–. 2009. *A Syriac Lexicon: A Translation from the Latin, Correction, Expansion and Update of C. Brockelmann's Lexicon Syriacum*. Winona Lake, IN: Eisenbrauns; Piscataway, NJ: Gorgias Press.

Stein, D. 1999. "Devarim she-ro'im mi-sham lo' ro'im mi-poh." *Jerusalem Studies in Hebrew Literature* 17:9–27.

Stemberger, G. 1989. "Münchhausen und die Apokalyptik: Baba Batra 73a–75b als literarische Einheit." *Journal for the Study of Judaism* 20:61–83.

–. 1996. *Introduction to the Talmud and Midrash*. Translated and edited by M. Bockmuehl. 2nd ed. Edinburgh: T. & T. Clark.

Strawn, B.A. 2005. *What Is Stronger Than a Lion? Leonine Image and Metaphor in the Hebrew Bible and the Ancient Near East*. Fribourg: Academic Press; Göttingen: Vandenhoeck & Ruprecht.

Tafaźźolī, A. 1348 Š. [1969]. *Vāže-nāme-ye mīnū-ye kherad*. Tehran.

–. 1354 Š. [1975]. *Mīnū-ye kherad*. Tehran.

–. 1364 Š. [1985]. *Mīnū-ye kherad*. 2nd ed. Tehran.

Theodor, J., and C. Albeck. 1962. *Midrash Bereshit Rabba: Critical Edition with Notes and Commentary* [Hebrew]. Jerusalem: Vahrman.

Thrope, S. 2006. "The Alarming Lunch: Judaism, Zoroastrianism and Colonialism in Sasanian Iran." *Journal of Associated Graduates in Near Eastern Studies* 12 (1):23–44.

West, E. W., ed. 1871. *The Book of the Mainyo-i-Khard*. Stuttgart: C. Grüniger.

–. 1885. *Pahlavi Texts*, part 3, *Dînâ-î Maînôg-î Khirad, Sikand-Gûmânîk Vigâr, Sad Dar*. Sacred Books of the East 24. Oxford: Clarendon Press.

–. 1897. *Pahlavi Texts*, part 1, *The Bundahis, Bahman Yast, and Shâyast Lâ-Shâyast*. Sacred Books of the East 5. Oxford: Clarendon Press.

Widengren, G. 1967. "Primordial Man and Prostitute: A Zervanite Motif in the Sassanid Avesta." In *Studies in Mysticism and Religion, Presented to Gershom G. Scholem on His Seventieth Birthday*, 337–352. Jerusalem: Magnes Press.

Williams, A.V. 1990. *The Pahlavi Rivāyat accompanying the Dādestān ī Dēnīg*. 2 vols. Historisk-filosofiske Meddelelser 60.1–2. Copenhagen: Munksgard.

Yassif, E. 1999. *The Hebrew Folktale: History, Genre, Meaning*. Translated by J.S. Teitelbaum. Bloomington: Indiana University Press.

Zarfati, Gad ben-Ami. 1966. "Talmudic Cosmography" [Hebrew]. *Tarbiz* 35:137–148.

Scholasticism and Exegesis

Irving L. Finkel

Remarks on Cuneiform Scholarship and the Babylonian Talmud

The evolution of textual commentary, the literary process by which existing texts are explained and expounded through exegetical and hermeneutical techniques, could be said to have been inevitable within the written culture of ancient Mesopotamia. Writing among the Sumerians, Babylonians, and Assyrians was done in cuneiform, a script whose linear antecedents stretch back to the fourth millennium BCE, and whose mature form ran in more or less uninterrupted but complex splendour until the second century CE.

Two factors bound up with this writing and the milieu in which it flourished are directly responsible for the appearance of commentary texts.

The first concerns the very nature of cuneiform script. Each individual sign within the total repertoire of developed cuneiform graphemes was always *polyvalent*; that is, more than one sign could convey a given sound and more than one sound could be conveyed by a given sign. Such polyvalence prevailed from the script's very inception, and is closely bound up with the way in which signs evolved for the first time to accommodate sounds and words of language. Cuneiform signs, ever after, were multifaceted tools.

The second is the quite unusual bilingual nature of the Mesopotamian cuneiform world. The broad cultural importance of texts in Sumerian (agglutinative, unconventional, and awkward) far outlasted that language as a living entity in urban or rural communities, probably beginning already in the first half of the second millennium BCE. Since so much literature was written in Sumerian – word lists, sign lists, religious materials, incantations, ritual passages and, of course, *belles lettres* – the point was gradually reached when words and phrases, and ultimately whole compositions, were no longer fully lucid to readers whose first language was Akkadian (Semitic, flexible, and clear). Sumerian, it must be stressed, certainly stayed alive within the walls of schools and colleges, for its literary heritage and lexical core was of crucial and inestimable value; scholars continued to study and even compose in the language until the final disappearance of cuneiform altogether. Nevertheless, that very survival was bookish and artificial, and effective teaching of Sumerian was increasingly less readily achieved.

A direct consequence of this was the gradual appearance of small-script word and phrase glosses – tucked into many a composition, adjacent to a problem item – to anticipate the puzzled frown of the reader who could read a given element in Sumerian but not necessarily know what it meant. Ultimately, this process culminated in full-blown translations, so that a substantial element of traditional literature came to exist in bilingual form. This step-by-step incursion of Babylonian explanatory "scribal aids" has yet to be documented in detail, but the end result was that young scholars who embarked on the struggle for literacy in the cuneiform script eventually found themselves presented with invaluable, true bilinguals for study, to complement their Sumero-Akkadian lexical resources and their Sumero-Akkadian grammars.

One of the most revealing tablets ever brought for identification to the British Museum was an Old Babylonian school translation of a Sumerian temple hymn. These classic short temple hymns were written in Sumerian, supposedly by Sargon's daughter Enheduanna, one for each of the major temples. The beginning and concluding phrases were identical in each example, while the middle section was specific to one building and its associations; they were thus ideal for classroom work teaching Sumerian to pupils whose first language was Akkadian. The scribe had, however, managed to make use of supported equations between Sumerian and Akkadian in such a way that the translation, while making excellent sense, had nothing at all in common with the standard Assyriological translation of the same Sumerian original,[1] and was surely the product of teaching translation, meaning, and the question of more than one meaning. Much the same situation prevails in the roughly contemporary literary composition published under the title *The Scholars of Uruk*.[2]

For schoolboys and literate intellectuals, both the learning tools and the monumental body of classical compositions that they were expected to master were thus often couched in two completely unrelated languages. Crucially, therefore, Mesopotamian reading processes were to a large extent predicated on bilingual activity through which one language was constantly being used to elucidate the other.

At their best, commentaries as a genre of literature – now put on a new basis in Eckhart Frahm's survey – probably represent the highest achievement of the inquiring scholarly mind. The technical devices used by Babylonian commentators are summarized by Frahm under the following categories: synonyms, explanations of logograms, complex synonym chains, pronunciation of syllabic signs and logograms, phonological variants, morphological derivation and mor-

[1] In Sjöberg, Bergmann, and Gragg 1969.
[2] George 2009, 78–112.

phological variants, antonyms, paraphrases, figurative interpretation, etymology and etymography, gematria, and explanations of larger text units.[3]

Certain of these techniques are obviously limited to cuneiform writing; others, as has often been pointed out (see below) find more than an echo in rabbinic exegetical processes. Unlike the latter, however, Babylonian hermeneutics were never subjected to a body of rules (at least as far as we know), whereas students of rabbinic writings have several sets of rules, or *middot*, to guide them through the complexities of Jewish textual exegesis.

Two exemplary commentary passages from first-millennium Mesopotamia can be considered. A Late Babylonian commentary on a medical text from Uruk includes some study of the term *qāt eṭemmi*, "Hand-of-a-Ghost," one of the more common names for disease-causing entities according to Babylonian analysis.[4] The term is actually written in the quoted entry with the corresponding Sumerian logograms, ŠU.GIDIM.MA, which have the same literal meaning. The use of Sumerian here and in general is a technical convention; the practitioner or reader of the original medical prescription would pronounce and think of the phrase in Akkadian, as *qāt eṭemmi*.

1. Commentary entry on ŠU.GIDIM.MA, qāt eṭemmi*, "Hand-of-a-Ghost."*

Commented medical excerpt concerning tinnitus:[5]

šumma(DIŠ) *amēlu*(NA) *ina ṣibit*(DIB) *qāt eṭemmi* (ŠU.GIDIM.MA)
uznē(GEŠTUG^{II})-*šú*
išaggumā uznē(GEŠTUG^{II})-*šú ištanassâ*

If a man's ears buzz because of an attack by "Hand-of-a-Ghost"; his ears are constantly ringing

First comes a simple lexical explanation: *uznē*(GEŠTUG^{II})-*šú išaggumā*, "his ears buzz," is equated with *uznē*(GEŠTUG^{II})-*šú ištanassâ*, "his ears are constantly ringing." There is no punctuation to demonstrate that this is an explanation rather than part of the original quoted description, but the repetition of *uznēšu* certainly suggests so.[6]

---

[3] Frahm 2011, 59–85.

[4] SBTU 1, 49 (Hunger 1976, 49).

[5] It is excerpted from a copy of the work entitled "If a man is seized by 'Hand-of-a-Ghost,'" which served to drive off and dispel what is probably a form of epilepsy.

[6] This was also Hunger's interpretation in the *editio princeps*. *CAD* Š/1 64 takes both *uznēšu išaggumā* and *uznēšu ištanassâ* together as part of the excerpted text. This is a common problem in understanding commentary structure.

The second section of explanation derives meaning in the most dextrous way from the individual signs themselves:

$^{gi\text{-}di\text{-}im}$ GÍDIM(BAR.U) : *eṭemmu*(GID[IM) : *pe*]-*tu-u uznē*(GESTUG^{II}) : BAR : *pe-tu-ú* BÙR$^{bu\text{-}ur}$: *uz-nu* : *e*-[*ṭe*]*m-me* : *qa-bu-ú ṭè-e-me* E : *qa-bu-ú* : K[A$^{de\text{-}e}$]$^{m}4^{\text{-}ma}$ḪI : *ṭè-e-me*

How does this work?

$^{gi\text{-}di\text{-}im}$ GÍDIM(BAR.U): The word "ghost," in Sumerian, "gidim," can be written with more than one sign. The most common is GIDIM ( ); far less common is GÍDIM, which can be "analysed" as consisting of two separate signs, BAR and U ( ).[7] The commentator proceeds as follows: GÍDIM means *eṭemmu*, "ghost," in Akkadian, which is written with the common sign GIDIM that anyone would read automatically. GÍDIM is explained as *pētû uznê*, "the one that opens the ear." This is achieved as follows. The sign BAR in Sumerian, "borrowed" from GÍDIM, is equated with *petû*, "to open," in Akkadian. Then the Sumerian sign U, likewise "borrowed" from GÍDIM, has for the commentator's purposes to be pronounced "bur" – one of its possible values, the choice indicated by the gloss $^{bu\text{-}ur}$ (this value of U being indexed by us as BÙR) – because bur means *uznu*, "ear." The dismemberment of the sign for ghost uncovers its essential nature in this context: it opens the ear,[8] and gets into the person's brain. Further nuances follow.

Next the Akkadian word for "ghost" is spelled in phonetic signs: *e*-[*ṭe*]*m-me* (one vowel, one consonant-vowel-consonant and one consonant-vowel sign). This writing, although unexceptional in itself, would be a surprise in a conventional first-millennium context and would never occur in a medical text, so it has been specially introduced by the commentator to open up a further level of meaning. The word is explained as *qābû ṭēmi*, "those who give orders," because the sign e, actually appearing as part of an Akkadian word, also functions as the Sumerian verb e – so written here "E" – which is equated with Akkadian *qabû*, "to speak." In fact the verb *qabû* is not normally construed with the noun *ṭēmu,* so the whole of this entry is somewhat artificial, if not pyrotechnical. Finally, the commentator allows himself to understand the Akkadian syllable *-ṭem-* in terms of the Sumerian word "dimma," written with two individual signs together (KA and ḪI), glossed $^{de\text{-}em}4^{\text{-}ma}$, which means *ṭēmu.* One of the common effects of this unwanted attention is a condition called *šinīt ṭēmi*, literally "changing of *ṭēmu*," which certainly concerns some form of mental disturbance.

---

[7] Historically, many cuneiform signs were formed by combining two smaller signs, such as BAR and U. Here, however, this is one sign, which normally would be read as GÍDIM with no thought of how it could be broken down; it is a completely artificial approach to reduce a sign like this into separate components.

[8] Normally opening the ear in Akkadian is a good thing; it increases intelligence and receptiveness to wisdom.

The commentator has thus, with great economy, squeezed out of the signs for ghost in Sumerian and Akkadian the central features of this affliction, that it gains entry by the ear and takes over a man's actions.

2. Commentary on a medical omen

The second example comes out of much the same world. The commented passage is a single line excerpted from a collection of medical omens concerning a chance encounter by an exorcist on the way to a patient's house. This omen is line 4 of Tablet I of the series Sakikku, and covers seeing a "kiln-fired brick." Three separate commentaries (a, b, and c) survive, the first two of which, from Warka, originate in a single library and are closely related to one another in contents.[9]

> Sakikku I, 4:
> *šumma*(DIŠ) *agurru*(SIG$_4$.AL.ÙR.RA) *īmur*(IGI) *murṣu* (GIG) *imât*(UG$_7$)
> If he (an exorcist) sees a kiln-fired brick (on the way to a sick person's house) the sick person will die.

There are, to the enquirer, two imponderables involved in this prognostic omen: (1) What exactly is envisaged by "kiln-fired brick"? (2) Why should seeing one, in whatever form, be possessed of ominous implications? Three explanations are offered in sources a and b; c is here altogether different. Here are the explanations from a and b (variants not mentioned):

> 1. *kayyān* (SAG.ÚS)
> 2. *šá-niš amēlu*(LÚ) *š*[*á ina hur-sà-a*]*n i-tu-ra* [A : *me-e*] : GUR : *ta-a-*˹*ra*˺
> 3. ˹*šal*˺*-šiš arītu*(MUNUS.PEŠ$_4$) : A : *ma-ru* : $^{ki\text{-}ir}$kì[r (GUR$_4$) : *ka-ra-ṣ*]*a* [*šá-niš*] ˹A˺ : *ma-ri* : GUR : *na-šu-u* ˹:˺

1. *kayyān*, written with two Sumerian ideograms, indicates "normal" or "straightforward meaning." This term was first understood by Antoine Cavigneaux and is attested in three commentaries including the present case.[10] It distinguishes "normal" meaning from that derived through speculative exegesis, and the explanation is thus a response to question 1 above. It assures the student that *agurru* means *agurru*. The inquiry can hardly stop short at the assurance that *agurru*, "kiln-fired brick," simply means what it says; it can have been no rare occurrence in downtown Babylon for someone to see a baked brick, either embedded in buildings or in fragments on the roadway. In the search for meaning, questions present themselves: *It cannot be any baked brick, can it? Is it a whole*

[9] George 1991, 139–140.
[10] See Cavigneaux 1982, 237; George 1991, 155.

brick or can it be a fragment? *Is it affected if someone else has trodden on it*? *Has it glaze that reflects the sunlight …?*

Discussion would engender plausible and less plausible explanations for a summary of which *kayyān* was sufficient. Such ideas would be retrievable because the possibilities were imagined and not complex. Once "normal" possibilities have been exhausted the deeper meanings can be investigated, using a variety of hermeneutical devices.

2. *šanîš amēlu ša ina ḫursan itūra*: "secondly, a man who returned from the river-ordeal." This and the following point are responses to the second question. The meaning is established by taking the key Akkadian word *agurru* (which is not actually written in the text but conveyed by the Sumerian ideograms SIG_4.AL.ÙR.RA), and breaking it down into two Sumerian words, A = water (*mû*) and GUR = to return (*târu*). According to this the "brick" does not have to be a brick at all, but a person who has escaped from the water ordeal and passes the oblivious exorcist in the street.

3. *šalšiš arītu*: "thirdly, a pregnant woman." Here again the meaning derives from Sumerian "A" and "GUR," in that A = son (*mâru*), while GUR_4 when pronounced "kir" (indexed as kìr) as is shown by the gloss $^{ki\text{-}ir}$, is lexically equivalent to the Akkadian verb *karāṣu, "*to nip off a piece (of clay)," used characteristically of the creation of man at the very beginning. Alternatively, A = "son" and GUR = "to carry." There is, therefore, the further meaning that it was a pregnant woman who is the ominous passerby. Commentary a adds a third point: *šalšiš ḫabannanu* : A : *me-e* : GUR : *m*[*al*]*û*, "thirdly, a water vessel," since A = "water" (*mû*) and GUR = *malû*, "to be full."[11]

It is worth pointing out that the exorcist in the street would be likely to pass either of these individuals unaware of their special natures; a man who had survived the water ordeal would not be recognizable as such, a pregnant woman probably likewise, for no woman of social pretension would venture lightly into the streets when noticeably pregnant, and loose clothing would probably shield the fact for all but the most prying eyes. So in both cases the transitory encounter would likely be unnoticed. Why then should either be ominous?

The underlying idea is that the escapee has cheated the underworld bailiffs of a life regarded as forfeit to them through the ordeal, while the woman carries within her a new life that will come into the world. Thus it can be argued that a cosmic balance underlies the matter: if the doctor encounters someone who has eluded death or a vigorous new life that is about to appear, then his patient must pay the price. This conception is hard to parallel in other cuneiform contexts, but

[11] Commentary c reads, instead of all this, *aš-šum* ÙR : *šá-rap* : ÙR : *ṣa-ra-pa*, "because ÙR = 'to burn,' ÙR = 'to fire'"; see further George 1991, 155.

it seems inescapable.[12] Perhaps there was even the idea that there was a finite number of living entities, so that a death would always be compensated for by a new life, and vice versa. Again, articulation of such an underlying framework of belief or tradition gives penetrating meaning to the explanations, and something of the kind must surely have been part of the oral discussion that once animated the text on clay.

Such commentary passages bespeak, therefore – even in the form in which we have them now – a background and overlay of oral discourse and discussion beyond what was written down. The present writer's view of the commentaries is that they are a digest or distillation of teaching in high-level reading classes in which the skeleton of the analysis, crucial insights, or specific associations or conclusions are recorded *post eventum*. A given commentary will thus most probably reflect the work of a single teacher. These teachers remain largely anonymous,[13] but will have been like the Sippar giants described in the late-period letter to Assurbanipal, who knew their classics and their lexical texts by heart, traditional texts "stored in their minds like goods piled in a magazine."[14] For such individuals reading any line of any non-administrative cuneiform would immediately evoke a parallel, a quotation, or a new angle with the help of a half-forgotten lexical equation, employing such artistry that the pursuit of meaning is not displaced by the dexterity of the procedures. To disentangle and display the character of a medical GIDIM so neatly that its two essential features are conjured out of the very signs is an intellectual tour-de-force.

Commentary is motivated by the search for meaning. In the construction of commentaries, therefore, one must allow for a wealth of associative ideas of which only the best or the most useful would be preserved. One can allow, too, for other characteristics in these masters: a delight in ability, familiarity with more rare texts than anyone else, the pleasure of being the first to make sense of some problem over which others had scratched their heads fruitlessly, and very possibly competitiveness or rivalry with contemporaries elsewhere; all such motives must have wafted around these rarefied classrooms as they do today.

The rubric terms *ṣâtu* and *šūt pî* reflect these two components of writing and discourse exactly. The fact that *šūt pî*, the oral teaching, is so often still appended to formal commentary tablets is not necessarily a reflection of an earlier stage of oral discourse now committed to writing and therefore no longer oral but rather an indication that written commentary tablets circulated with a baggage of associated ideas, so that a scholar who used a given written commentary could

[12] See now Finkel 2014, 316–26 as well as George 1991, 154 and Frahm 2011, 38.

[13] A small one-column Late Babylonian tablet in the British Museum, BM 38788, quotes under the standard rubric *ṣâtu u šūt pî ša* PN groups of entries that are attributed to four Kassite-period authorities: Kišādam-arik (Long-neck), Irtam-rapaš (Broad-chest), Izkur-Ninurta and […]….

[14] Frame and George 2003, 275.

reactivate or reinvent the additional round-table discussion with the aid of the carefully controlled entries.

Durable scribal families and venerated authorities survived in the cities of Late Babylonian, Persian and later periods in Babylonia until cuneiform fell out of use altogether. The core of their activities was libraries, their teaching produced high-level individuals who could hold down the professions for which writing and traditional literatures were central: diviners, astrologers, healers, clerics. It was among the best educated and most fluent of these exponents that cuneiform commentaries flourished. While a high proportion of surviving texts from the first millennium BC focus on omen texts, we have no way at present of assessing whether this is significant, or whether individual scholars might not have produced textual commentary on a far wider range of sources.

As already mentioned, there are suggestive parallels between this type of Babylonian textual activity and certain techniques characteristic of later rabbinic texts, as has been pointed out notably by W. G. Lambert, Stephen Lieberman, Antoine Cavigneaux, and now Eckart Frahm.[15] There is no need in the present context to rehearse these arguments, which have already been cogently presented. Two points can be made here.

First is the means of transmission. In the present writer's view the transmission of exegetical procedure from Babylonian into Jewish Aramaic scholarship is to be explained ultimately by Daniel 1:3–7, according to which the cream of the youthful Judean intellectuals in the sixth century BCE were taught the "literature and language of the Chaldeans," which was, assuredly, Babylonian written in cuneiform.[16] That this credible operation was part of a standard Babylonization policy to avert future trouble or disloyalty is evident; its literary and philosophical consequences, however, will have been far-reaching in impact. While it is easy to dismiss this topos as reflecting the "unreliable historical nature" of the Book of Daniel, the passage is worthy of far more serious consideration than is usually afforded it;[17] the possibility that the best brains among the Judeans were taught cuneiform by the best teachers in the country explains many otherwise disparate Babel/Bibel problems.[18] Ultimately, this crucial familiarity with cuneiform scholarly tradition could account for the much later manifestations of enduring Babylonian textual influence in the early rabbinic centres that flourished in Iraq many hundreds of years later.

Second, in contrast to Babylonian commentary, rabbinic exegesis is predicated on a finite body of *scripture* whose diverse content demanded synthesis,

[15] Lambert 1954–1956; Lieberman 1987; Cavigneaux 1987; and now Frahm 2011, 369–383.

[16] This cannot refer to Aramaic, as Aramaic was already familiar to the educated classes in Judea.

[17] An exception is Simo Parpola; see Parpola 1972, 34.

[18] See now Finkel 2014, 224–60.

analysis, and exposition. Its origins lie in independent schools of teaching that were located in different cities, centered around one or another great scholar, and no doubt of considerable antiquity in themselves. Rivalry between those schools is clear, and the Talmud corpus as we now have it represents the weaving of contrasting or alternative interpretations into a whole, so that the student has at his fingertips the full historical range of insights, carefully attributed to their authors. In addition, the search for meaning is carried forward by the additional motive that textual insight clarifies received law, and ultimately thus facilitates the leading of a righteous life.

In these two features – identified authorities and religious piety – rabbinic exposition seems to differ crucially from its cuneiform predecessor. But while individual cuneiform commentaries are largely unsigned, it might well be that each commentary tablet known to us represents – and was known to represent – the work of a single *ummânu*. Furthermore, within the scholarly world of the ancient cuneiformists no attempt was ever made to collect commentaries into a numbered series forming one great work, or to combine the varying views of different authorities. And while cuneiform exposition was of course devoted to religious literature, the status of the underlying canon neither represented scripture nor was in any way comparable to it.

The hypothesis that a Babylonian substrate of exegetical procedure underlies talmudic thinking cannot be lightly disregarded. If, as argued here, the appearance of developed commentary writing in Mesopotamia was a function of bilingual society compounded by the multifaceted nature of the script itself, one can claim that exegesis and hermeneutics were, so to speak, demanded of cuneiform users. Convincing examples go back to the early periods of its use,[19] and their manifestations are so deeply wrapped up in cuneiform praxis that its influence would affect any intelligence that encountered it. As well as indicating its venerable Mesopotamian history, one can suggest that the extraction of diverse levels of meaning from connected but multivalent cuneiform signs was intrinsic to the system and inevitable, whereas similar procedures applied to alphabetic writing are, in comparison, artificial, and thus most suitably classified as derivative and secondary.

Bibliography

Cavigneaux, A. 1982. “Remarques sur les commentaries à Labat *TDP* I.” *Journal of Cuneiform Studies* 34:231–241.

–. 1987. “Aux sources du Midrash: l’herméneutique babylonienne.” *Aula Orientalis* 5:243–255.

[19] For a fine example of skittish Sumerian sign-play in about 2000 BCE, see Finkel 2010, 17–19.

Durand, J.-M. 1979. “Un commentaire à *TDP* I, AO 17661.” *Revue d’Assyriologie* 73:153–170.
Finkel, I. L. 2010. “Strange Byways in Cuneiform Writing.” In *The Idea of Writing: Play and Complexity*, edited by A. de Voogt and I. L. Finkel, 9–25. Leiden: Brill.
Finkel, I. L. 2014. *The Ark Before Noah. Decoding the Story of the Flood.* London: Hodder and Stoughton.
Frahm, E. 2011. *Babylonian and Assyrian Text Commentaries: Origins of Interpretation*. Guides to the Mesopotamian Textual Record 5. Münster: Ugarit-Verlag.
George, A. R. 1991. “Babylonian Texts from the Folios of Sidney Smith. Part Two: Prognostic and Diagnostic Omens, Tablet 1.” *Revue d’Assyriologie* 85:137–163.
–. 2009. *Babylonian Literary Texts in the Schøyen Collection*. Cornell University Studies in Assyriology and Sumerology 10. Bethesda, MD: CDL Press.
Hunger, H. 1976. *Spätbabylonische Texte aus Uruk, Teil 1*. Ausgrabungen der Deutschen Forschunggemeinschaft in Uruk-Warka 9. Berlin: Mann.
Lambert, W. G. 1954–1956. “An Address of Marduk to the Demons.” *Archiv für Orientforschung* 17:310–321.
Lieberman, S. J. 1987. “A Mesopotamian Background for the So-Called *Aggadic* ‘Measures’ of Biblical Hermeneutics?” *Hebrew Union College Annual* 58:157–225.
Parpola, S. 1972. “A Letter from Šamaš-šumu-ukīn to Esarhaddon.” *Iraq* 34:21–34.
Sjöberg, A. W., E. Bergmann, and G. B. Gragg. 1969. *The Collection of the Sumerian Temple Hymns*. Texts from Cuneiform Sources 3. Locust Valley, NY: J. J. Augustin.

Eckart Frahm

Traditionalism and Intellectual Innovation in a Cosmopolitan World: Reflections on Babylonian Text Commentaries from the Achaemenid Period

Introductory Remarks

The Achaemenid empire, which lasted for more than two hundred years, from 539 to 331 BCE,[1] was a thoroughly multicultural political entity, a state that facilitated on many levels commercial and intellectual exchange between vastly different people. Babylonia, the economic heart of the empire, must have been particularly affected by this cosmopolitan spirit, reinforcing trends that had their roots in the preceding period. Already under Chaldaean rule, Babylonia had experienced an influx of numerous ethnic groups from all over Western Asia, among them, most prominently, the Judeans deported by Nebuchadnezzar II in 597 and 587/86 BCE. It was, undoubtedly, the multiethnic diversity that characterized Babylonia since the sixth century BCE that prompted the Judean authors of the Primeval History to set the biblical story of the confusion of tongues in Babylon. Under Achaemenid rule, substantial numbers of Judean deportees returned home, but many remained in Babylonia, where they must have met with members of the traditional Babylonian elites and Persian administrators and officers on a regular basis. Achaemenid Babylonia thus offered numerous opportunities for "scholarly conversations between Jews, Iranians, and Babylonians," the topic explored in this volume. Obviously, no tape player was used to record such conversations, and so we cannot listen to them. But by studying the written record that survives from the era in question, especially on cuneiform tablets, we would expect that it should be possible to gain some idea of the discussions that took place among the aforementioned groups.

In this contribution, we will explore whether such expectations are warranted. Our main goal is to establish to what extent, if any, Babylonian scholars of the Achaemenid period adapted foreign ideas in their attempts to deal with

[1] This chronological framework is based on the assumption that the conquest of Babylon by Cyrus, and the loss of the same city to Alexander the Great, mark the beginning and the end of the empire. Strictly speaking, the Achaemenids came to power only with Darius I, but *faute de mieux* (the label "Persian empire" would be even less precise), we will use the term "Achaemenid empire" for the whole era from Cyrus to Darius III.

their own traditions. The investigation will focus on cuneiform commentaries written between the sixth and the fourth century BCE. In these commentaries, Babylonian scholars sought to elucidate many of the "canonical" cuneiform texts they studied. We will investigate in what ways the commentaries from the period in question differ from earlier ones, and what the reasons for some of the observable changes may be. Briefly and provisionally, we will also address the complementary issue of a possible Babylonian influence on the hermeneutics practiced by the newcomers who now lived in Babylonia, especially the Judeans.

The Mesopotamian Commentary Tradition

It will be helpful to begin our investigation with a few remarks on the history and the defining features of Mesopotamian text commentaries in general. The genre, after all, remains an arcane subject even among professional Assyriologists.[2]

Cuneiform text commentaries from ancient Mesopotamia are attested from the eighth to the second century BCE. Their goal was to explore and explain the large corpus of – mostly Akkadian – religious and scholarly texts that had received their canonical (or semi-canonical) form in the preceding centuries. These base texts include literary compositions such as the Babylonian Epic of Creation (*Enūma eliš*) and *Ludlul bēl nēmeqi*; rituals and incantation, for example, Udug-ḫul and Marduk's Address to the Demons; medical treatises; laws (Ḫammurapi's famous "code"); lexical lists; and, first and foremost, the large corpus of Mesopotamian omen texts. No longer subject to revision and accommodation, the texts in question had become more and more difficult to understand in the course of time, and the ancient scholars who studied them had to think about aids that would help them to (re)appropriate their meaning.

Roughly 860 cuneiform text commentaries are known today, all written on clay tablets (Akkadian *ṭuppu*).[3] Colophons reveal that Mesopotamian commentaries were also written on wax-coated wooden writing boards (Akkadian *lē'u*) and, during the latest period of cuneiform culture, on parchment scrolls (Akkadian *magallatu*), but due to the perishable nature of these media, no such commentaries have survived. The commentaries on clay tablets have three main formats: that of a tabular list, with lemma and explanation facing each other; that

[2] The following overview is based on Frahm 2011, a book that provides an introduction to the Babylonian and Assyrian commentary tradition and includes a catalog of all cuneiform text commentaries known to its author. Since exact references and more detailed discussions can be found in that book, we will keep footnotes to a minimum here. For another recent assessment of the Mesopotamian commentary tradition (with which the present author does not always agree but which includes a useful discussion of the issue of synonymy), see Genty 2011, 1–9.

[3] Or, following Streck 2009, *tuppu*, with a nonemphatic *t*.

of a text whose individual entries are marked by indentation; and that of a continuing text in which two oblique wedges separate lemmata and explanations.

The earliest available commentary tablets *stricto sensu* stem from the library of the Assyrian scholar Nabû-zuqup-kēnu, who was active in the city of Kalḫu in the late eighth and early seventh century BCE. The actual beginnings of the commentary tradition in ancient Mesopotamia, however, must lie further in the past. Several colophons designate Nabû-zuqup-kēnu's commentaries as copies of tablets from Babylon and Borsippa, suggesting that the genre originated, not in the Late Assyrian layers of Kalḫu, Assur, or Nineveh, but earlier in Babylonia.

Unfortunately, due to the chances of discovery, very few Babylonian literary and scholarly texts from the time between 1200 and 700 BCE (the so-called Isin II and early Neo-Babylonian eras) have been unearthed so far, and we have little concrete information on the scholarly activities that took place in Babylonia during these five hundred years. Indirect evidence, however, indicates that especially towards the end of the second millennium, Babylonia experienced a remarkable flourishing of scribal work. This activity reached its peak when the famous scribe Esagil-kīn-apli, a personal scholar of King Adad-apla-iddina (1068–1047 BCE), reorganized ancient divinatory, medical, and magical texts in a number of newly composed series.[4] It is feasible that Esagil-kīn-apli was also involved in the composition of some of the earliest commentaries, but one has to admit that such a scenario remains hypothetical at present. There is, however, little doubt that the emergence of a commentary tradition in ancient Mesopotamia is closely linked to the creation of a new corpus of canonical texts, texts that were regarded by later Babylonian and Assyrian scholars as perfect and unchangeable, but very much in need of interpretation.

Commentaries from Seventh-century Assyria

More than half of the cuneiform text commentaries currently known to us, all in all 514 tablets and fragments, originate from Assurbanipal's celebrated libraries at Nineveh, which were created by this learned and ambitious king in the middle of the seventh century BCE. This was the time when Assyria was the greatest empire that had ever existed, stretching from the Iranian Zagros mountains in the east to Egypt in the west.[5]

A closer look at Assurbanipal's commentaries reveals a noteworthy pattern. No fewer than 72 percent of them deal with astrological omens and texts related to extispicy, the study of the entrails of the sacrificial animal. This ratio would be

[4] On Esagil-kīn-apli, see Finkel 1988, and, most recently, Heeßel 2009 and Frahm 2011, 324–332, both with additional literature.

[5] For an overview of the commentaries from Assurbanipal's library, see Frahm 2011, 272–285.

even higher if one included in the calculation the para-commentarial *Multābiltu* and *Niṣirti bārûti* tablets found at Nineveh, treatises that are likewise concerned with extispicy. The pronounced interest of the Nineveh court in astrology and extispicy, royal disciplines of divination *par excellence*, is also evident from omen reports and letters sent to Late Assyrian kings by scholars from near and far.

I have suggested elsewhere that Assurbanipal's fascination with astrological and extispicy commentaries – treatises that seem to us highly "esoteric" – actually derived from rather pragmatic considerations on the part of the king and his entourage.[6] The commentaries on the astrological omen series *Enūma Anu Enlil* are particularly revealing in this regard. One of their main goals was to provide alternative interpretations for the celestial phenomena described in the series. This hermeneutic strategy helped to make sense of some of the "impossible" omens listed in the series, such as the movement of one astral constellation into another. The series mentions phenomena of this type quite often, even though they could never actually occur. But they became potentially observable events once a commentary established that the constellation in question, or some other peculiar celestial body or phenomenon, was, in fact, a planet.[7]

Two examples of this approach are found in the Nineveh commentary Sm 2074, which explores tablet 24 (25) of *Enūma Anu Enlil*. The first relevant entry refers to the omen DIŠ AŠ.ME *ana* IGI-*šú* MUL.MEŠ GUB.MEŠ, "If stars stand in front of a (solar) disk," and reads: ^{d}*ṣal-bat-a-nu ina* IGI ^{mul}UDU.IDIM GUB-*ma*, "(This means), Mars stands in front of (another) planet."[8] The second omen commented on reads DIŠ AŠ.ME *ina* ŠÀ-*šú* MUL.MEŠ GUB.MEŠ, "If stars stand within a (solar) disk." This is explained as *ina* AN.MI UDU.IDIM.MEŠ GUB.MEŠ-*ma*, "Planets are present during an eclipse."[9] Both explanations redefine omens dealing with "impossible" solar events by claiming that they have to be read as references to planetary phenomena that do occur.[10]

Reinterpretations of this type also had another, and perhaps even more important purpose. They multiplied the number of possible applications of the omen corpus and thereby facilitated the process of negotiating between the observation of a celestial phenomenon, relevant entries in the omen series, and the political exigencies of the day.[11] When, for instance, the Assyrian army was about to conquer a foreign city and a celestial phenomenon occurred that seemed inauspicious according to a literal reading of a relevant omen, a nonliteral interpretation

[6] See Frahm 2004.

[7] See Reiner 2004.

[8] Van Soldt 1995, 46–47, Cc obv. ii 1. For the negative apodosis of this omen, see ibid., 24, III 12.

[9] Van Soldt 1995, 46–47, Cc obv. ii 2. For the – likewise negative – apodosis of this omen, see ibid., 24, III 13.

[10] For the complex reference systems that underlie some of the equations made by the commentators of astrological works, see Brown 2000, 53–103.

[11] On this issue, see now Koch 2011.

of the same or another omen, provided by a commentary, would allow the army to proceed. Mantic flexibility of this kind was essential to prevent the complex machinery of the Assyrian empire from coming to a crashing halt – and access to commentaries and scholars guaranteed such flexibility.[12]

Babylonian Commentaries

Catalogue entries, colophons on library tablets, and several letters suggest that many of the commentaries from Assurbanipal's libraries were based on models from Babylon, Borsippa, and other southern cites, confirming our hypothesis that the roots of Mesopotamian hermeneutics lay in Babylonia. However, due to the aforementioned chances of discovery, there are so far no actual commentary tablets from Babylonia that can be safely dated to the period before the downfall of the Assyrian empire, and even the number of Babylonian commentaries from the "Chaldaean" period, the years from 626 to 539 BCE during which Western Asia was ruled from Babylon, seems to be rather small. It is possible that a substantial portion of the roughly fifty mostly badly preserved commentaries from the British Museum's "Sippar Collection," and some commentary tablets from Sippar recently discovered by Iraqi archaeologists, date to this era, but this assumption, based exclusively on the archaeological context, remains conjectural.[13] It cannot be excluded that many of the Sippar commentaries were actually written in the early Achaemenid period,[14] to which other scholarly texts from Sippar can be safely dated.[15]

When we turn our attention to Babylonian text commentaries safely dateable to the era of Achaemenid rule, we stand on much firmer ground. The relevant corpus comprises several dozens of often well-preserved tablets, many of which can be linked, based on their colophons and findspots, to specific scholars. Since Persian-period commentaries tend to provide unusually sophisticated explanations, they represent a particularly interesting object of study. In the following, I will briefly describe the milieu that produced the Babylonian commentary tablets from the Achaemenid era, and assess some of their main features.

---

[12] For additional discussion and examples, see Frahm 2011, 279–285.

[13] On the "Sippar" commentaries, see Frahm 2011, 285–288.

[14] Probably some time before 484 BCE, the date that marks what Caroline Waerzeggers (2003–2004) has dubbed as "the end of archives." Some commentary tablets from the Sippar Collection may actually originate in Babylon and may have been written much later.

[15] Most notably the eighty-eight magico-medical exercise tablets that were written by students associated with the Bēl-rēmanni family (see Finkel 2000 and Jursa 1999). They belong to an archive that can be traced until 485 BCE.

The Main Centers of Babylonian Exegetical Activity during the Achaemenid Period

Three cities deserve particular attention in our discussion: Babylon, Nippur, and Uruk.[16] Babylon and her sister-city Borsippa were the foremost centers of Mesopotamian scholarship during the last seven hundred years of cuneiform civilization. Hence it comes as no surprise that no fewer than 161 text commentaries from Babylon are known from the time span in question.[17] Unfortunately, the corpus poses some significant problems. More than half of the Babylon commentary tablets remain unpublished, and those that are accessible are for the most part so badly damaged that we cannot establish when and by whom they were written.

Among the small number of dateable commentaries from Babylon, eleven can be assigned to the time around 100 BCE, that is, to the latest phase of cuneiform civilization; they were owned by members of the influential Egibi family. In contrast, only two Babylon commentaries, both of them written by members (or one member) of the Eṭēru family, can be safely dated to the Achaemenid period. One of them is a commentary on the astrological series *Enūma Anu Enlil* from the nineteenth year of Artaxerxes, which corresponds, depending on whether we are dealing with Artaxerxes I, II, or III, to 445, 385, or 339 BCE. The other commentary explains exorcistic incantations from Marduk's Address to the Demons.[18] Numerous references to (micro-)zodiacal constellations in this treatise demonstrate the strong interest the Eṭērus had in astronomy and astrology. Alasdair Livingstone has suggested that the name of the scribe who wrote the *Enūma Anu Enlil* commentary, Šema'ya, might be Hebrew, but given his family background, Irving Finkel is probably right when he regards such a scenario as unlikely.[19]

We know that there were other citizens of Babylon and Borsippa who studied learned texts during the Achaemenid period. Among them was a certain Nabû-kuṣuršu, an apprentice temple brewer from the Ḫuṣābu family from Borsippa who is known to have copied lexical lists and diagnostic treatises during years 10 and 11 of one of the Artaxerxeses.[20] Another scribe from Babylon who worked on scholarly texts was Tannitti-Bēl. Together with one […]-iddin, he copied dozens of tablets of magico-medical works (*Qutāru*, *Muššu'u*, *Lamaštu*,

[16] Note that, in addition, one commentary most probably dating to the Achaemenid period was found in the city of Ur. The tablet in question, the *Nabnītu* commentary UET 4, 208, is undated but belongs to an archive that includes texts dating from 517 to 482 BCE. See Frahm 2011, 312.

[17] See the overview in Frahm 2011, 304–311, 409.

[18] For museum numbers and some discussion, see Frahm 2011, 126, 144. Both commentaries remain largely unpublished.

[19] Livingstone 1986, 259–260; Finkel 1988, 154 n. 83.

[20] See Hunger 1968, 20, 50–53 (nos. 124–133).

and Udug-ḫul) and cultic rituals (the so-called "Love Lyrics"). The tablets he produced are among the largest and most accomplished from the Babylon Collection of the British Museum. Some are dated to 324 BCE, a few years after the end of the Persian rule.[21]

It is likely that Šema'ya, Nabû-kuṣuršu, and Tanittu-Bēl are just the tip of the iceberg. Many additional scribes from Babylon must have studied scholarly texts, including commentaries, in the Achaemenid period. Some of the Babylon commentaries that cannot yet be dated were probably written during this time. But only further studies will help us establish this beyond doubt.

Commentaries associated with the city of Nippur, whose scholars were famous for their knowledge of Sumerian, are far fewer than commentaries from Babylon, but since all of the fifteen relevant tablets seem to have been written during the Achaemenid period, the Nippur commentaries are of considerable interest for our investigation.[22] They were written by exorcists, lamentation priests, and *nêšakku*-priests from six of Nippur's most prestigious ancient families, among them the Lú-dumu-nun-na (Awīl-Sîn), the Absummu, and probably the Ur-Meme clans. These families were closely connected with Nippur's main sanctuaries, where some of their members served as prebendary temple brewers. The commentaries deal with magical and medical texts, astrological and terrestrial omens, the lexical list Aa, and a treatise on Sumerian grammar.[23]

Many of the Nippur commentaries, especially those on the magico-medical treatises, strive to transcend the literal sense of their base texts by using the whole arsenal of speculative philology, including etymological and etymographical analysis, often informed by references to Sumerian words, as well as quotations from literary and other texts. An important goal of the Nippur commentaries is to show that the texts commented on are in every respect perfect, that the words they use, the cuneiform signs rendering these words, and the contents of the texts are all intimately related. Commentaries on magical and therapeutic texts, for instance, seek to demonstrate, among other things, that the incantations recited and the ingredients used in the prescribed procedures were ideally suited, by virtue of their very words and names, to serve the healing process the patient underwent. An (often quoted) example of this hermeneutical approach is the following passage from the Nippur commentary 11N-T3, written by the lamentation priest Enlil-kāṣir, which deals with a text that provides procedures, rituals, and incantations for a woman who has difficulty giving birth:

---

[21] For a preliminary overview, see Finkel 1991.

[22] For a more detailed assessment of the commentaries from Nippur, see Frahm 2011, 294–304.

[23] Note that the small Nippur fragment 11N-T5, published by Civil (1974, 331, 338) and tentatively classified by its editor (and also by myself in Frahm 2011, 232) as a medical commentary, may rather be a commentary on an unidentified portion of the lexical series Aa. This was pointed out to me by Uri Gabbay (personal communication).

gi èn-bar-bàn-da šu u-me-ti : gi : *sin-niš-tim* : bar : *a-ṣu-u* : bàn-da / *še-er-ri* : *ṣa-aḫ-ri* : saḫar sil-la : saḫar : *e-pe-ri* : saḫar : sa-ḫar *u ṣa-ḫar iš-ten-ma*

"Take a small read from the marsh" (gi èn-bar-bàn-da šu u-me-ti) – gi (means) "woman," bar (means) "to come out," bàn-da (means) "baby" or "small child." "Dust of the street" (saḫar sil-la) – saḫar (means) "dust," but saḫar (also brings to mind that) (Sumerian) saḫar and (Akkadian) *ṣaḫar* (= "small (child)") are one and the same.[24]

The initial section of this entry deals with words from a Sumerian incantation. The incantation had to be recited by the practitioner while preparing a reed soaked in oil that had to be moved along the belly of the pregnant woman. With the help of a number of rather rare Sumero-Akkadian equations, the commentator establishes that the Sumerian words and syllables quoted by him are all related to a successful childbirth. The second part of the entry explains why the practitioner used "dust from the street" (Akkadian *eper sūqi*) as *materia magica* to treat the pregnant woman. It points out that the sound of the Sumerian word for dust, saḫar, is almost identical with that of the Akkadian word *ṣaḫar*, "small (child)," which provides another link between the wording of the text and the successful outcome of the treatment.

Four of the commentaries written by Nippur scribes during the Achaemenid period were found, not in Nippur, but in the city of Uruk, among tablets of the well-known exorcist and temple brewer Iqīšāya, who was active in the late fourth century BCE, during the early Hellenistic period. Other Nippur commentaries that were acquired on the antiquities market may have been excavated at Uruk as well.[25] How exactly the Nippur commentaries arrived in this city remains unclear. It may be that Iqīšāya received them in the course of a visit he paid to some of his temple brewer colleagues in Nippur, but there are other scenarios that could explain how the tablets ended up in Uruk. Iqīšāya's library also included an extispicy commentary from the libraries of Assurbanipal.[26] All this demonstrates that commentaries were part of a widespread transfer of knowledge that took place among some of the most prominent centers of learning in Late Babylonian Mesopotamia.

Of course, Achaemenid Uruk has also yielded numerous commentary tablets written by local scribes and scholars. Many of these tablets come from the library of the exorcist Anu-ikṣur, a member of the respected Šangû-Ninurta family, who seems to have been a young man during the last decades of the fifth century BCE. They were excavated *in situ* by German archaeologists in the late 1960s

[24] See Civil 1974, 331–336 (lines 8–9) and, for additional remarks, Frahm 2011, 230–231. Note that UET 6/3, 897, a tablet from Ur, has recently been identified by M. Stol as a partial duplicate of this commentary (see Frahm 2011, 241).

[25] Among them is the well-known *Qutāru* commentary BRM 4, 32, which has recently been re-edited by Geller (2010, 168–173). For evidence that this tablet was written by a Nippur scribe, see Frahm 2011, 234–236, 300.

[26] For details, see Frahm 2011, 294–295.

and early 1970s. The Šangû-Ninurta library has produced thirty-three commentaries, of which no fewer than twenty-two deal with individual tablets of the diagnostic series Sa-gig and the therapeutic series *Šumma amēlu muḫḫašu ummu ukâl*.[27] It is possible that the Šangû-Ninurtas once owned comprehensive commentary sets on these two treatises, both of which were of particular importance for their professional activities as exorcists and physicians. Their commentaries on Sa-gig show the same creative philology at work that is attested in the Nippur commentaries. Some seek to establish artificial links between protases and apodoses, as for example, in the following entry:

> DIŠ GÙ GIG *taš-m*[*é*]-*ma* GIM GÙ AN[ŠE …] / [*ana*(?)] UD 1.KAM GAM *šá* E-*ú mu-ú-tu pa-ni* AN.IM.DUG[UD^{mušen}] / *an-zu-u* : *an-šu-ú* : *i-me-*[*ru*]
>
> "If you (the exorcist-physician) listen to the voice of the patient, and [*it sounds*] like the voice of a donkey, he will die [on] the first day" – (this is) what (the text) said.[28] "Death *through* the face of the *Anzû*-bird" (quotation from another text?). *Anzû* (sounds like) *anšû*, (which means) "donkey."[29]

The commentator's goal is to explain why the base text predicts imminent death for a patient who screams like a donkey. He does so by pointing out that the Akkadian sign name *anšû*, which is used for the Sumerogram ANŠE = *imēru*, "donkey,"[30] sounds like *Anzû*, the name of a mythological bird monster that is one of the opponents of the heroic god Ninurta. The lethal qualities of Anzû are demonstrated in the commentary through an otherwise unattested literary quotation(?) that refers to death caused by(?) the face of Anzû. [31]

The Šangû-Ninurta commentaries on therapeutic texts provide some practical information, such as specifications of the ingredients and devices used in the preparation of potions and fumigations, and numerous explanations of difficult words, but also offer a fair amount of theological and, if one may say so, mystical speculation. Several times, commentary entries indicate an insufficient understanding of the base texts on the part of the commentators.

We have already briefly discussed the library of Iqīšāya, a member of the prestigious Ekur-zakir family who was not only an exorcist and temple brewer, but also a teacher and a priest of the god Anu. Besides the aforementioned Nippur commentaries, this library included more than a dozen commentaries written by

---

[27] For an overview of the Šangû-Ninurta commentaries, see Frahm 2011, 290–292.

[28] For this new interpretation of *ša iqbû*, which goes back to a suggestion by Uri Gabbay, see below.

[29] SBTU 1, 32, rev. 11–13. For additional remarks on the entry, see George 1991, 157.

[30] References for the sign name are provided by Gong 2000, 103.

[31] The exact interpretation of the phrase *mūtu pāni Anzî* remains uncertain; the translation above follows CAD P, 95a, which, implying that Anzû has certain Medusa (and Ḫumbaba)-like powers, renders the passage as "death from (seeing) the face of Anzû." Note that the lexical series (and commentary) ḪAR-gud equates the expression *pān Anzî* with the *surinnakku*-bat (see CAD S, 408a).

Iqīšāya himself, or one of his sons or students.[32] Iqīšāya's commentaries focus more on astrology and rituals and incantations and less, as the Šangû-Ninurta commentaries do, on medicine, a discrepancy that suggests that Late Babylonian exorcists (*āšipu*) did not necessarily share exactly the same interests.[33] Of course, one also has to take into account that the Iqīšāya commentaries date to a slightly later period. In fact, since they were written shortly after the Achaemenid era, they no longer belong, strictly speaking, in the time frame of our presentation. But since they most likely reflect hermeneutical concerns that go back to earlier times, we have some reason to consider them here as well.[34]

A few commentaries from Iqīšāya's library, including two or three commentaries written by Nippur scribes, were found in Uruk's Bīt rēš temple, a sanctuary dedicated to the god Anu, in layers dating to the mid-third century BCE and subsequent decades.[35] Uruk scholars must have regarded these tablets as highly valuable – otherwise, they would not have kept them in their possession for so long and eventually consigned them to the holdings of a prominent temple library. Quite clearly, then, cuneiform text commentaries were more than ephemeral notes taken by some student in school; they represented treasured manuals on how to understand ancient texts. The prestige commentaries enjoyed in Late Babylonian times is also indicated by the extreme accuracy with which a member of the Aḫu'ūtu family, in 232 BCE, produced a copy of one of Iqīšāya's astrological commentaries. He did so roughly ninety years after a student of Iqīšāya had copied the same commentary for his master.

Characteristic Features of Babylonian Hermeneutics in the Achaemenid Period

The faithful copying of commentary tablets that we encountered in the preceding paragraph challenges to some degree our understanding of the purpose of Mesopotamian hermeneutics. Even though other commentary traditions, most prominently the Jewish one, show us that certain exegetical works could acquire a canonical status of their own, we would still expect that cuneiform commentar-

[32] For an overview, see Frahm 2011, 292–295.

[33] Note that "Commentary O" on *Izbu*, which I tentatively assigned to Iqīšāya (Frahm 2011, 208–209), actually belongs to a library associated with a later scholar from Uruk, Anu-bēlšunu; it dates to the late third or second century BCE. See De Zorzi and Jursa 2011.

[34] One wonders, however, whether it may not be more than just chance that both Borsippa (the Ḫuṣābu tablets mentioned above) and Uruk have yielded substantial numbers of scholarly tablets copied in the immediate aftermath of Alexander's conquests. Perhaps this historical caesura motivated some Babylonian scholars to intensify their studies of ancient texts, in the hope that the new masters of the land might endorse their traditional wisdom. Similar motives seem to have prompted Berossus to write his famous *Babyloniaca*.

[35] See Frahm 2011, 296–302.

ies should have been, at least to some extent, reworked and revised over time, to best serve their purpose of explaining canonical texts to new generations of readers and their ever-changing political, cultural, and linguistic needs.

In fact, when we take a look at the *longue durée* of the Mesopotamian commentary tradition, we sometimes do see such changes.[36] To take just one example, STT 403, an Assyrian commentary on tablets 1 to 3 of the diagnostic series Sa-gig from seventh-century BCE Sultantepe, is far simpler and less sophisticated than commentaries on the same tablets from Achaemenid Uruk. Literary quotations, for instance, only occur in the latter, not in the Sultantepe commentary.[37] The "pragmatism" that characterizes many of the commentaries from Assurbanipal's libraries at Nineveh seems to give way, in the commentaries from the Achaemenid period, to a hermeneutical approach more geared towards contemplation and, as already mentioned, an almost mystical desire to demonstrate the inner coherence of the base texts.

This shift in purpose may have to do with the fact that, with the beginning of Persian rule, Mesopotamia lost its political independence. Even worse, from the reign of Darius I and Xerxes onwards, the Achaemenid kings ceased to sponsor Babylonian temples directly. From now on, Mesopotamian scholars living in the traditional centers of cuneiform learning were no longer able to use their expertise to advise kings and help them pursue their political and military agendas. Instead, a self-centered contemplation – and glorification – of Mesopotamia's ancient traditions increasingly dominated much of Late Babylonian intellectual life.[38] Eventually, this antiquarian attitude, and the rapid decline of Akkadian as a spoken language, led to the petrification of the commentary tradition that is behind the slavish copying of the aforementioned Iqīšāya commentary in the late third century BCE.[39]

During the Achaemenid period, Late Babylonian commentators seeking to better understand their own traditional texts still created new commentaries and modified older ones. But apparently they made no attempts in their exegetical endeavors to adduce the religious, literary, and scholarly traditions of any of the other ethnic groups that now lived in Babylonia, including the Persians and the Judeans. Instead, they based their explanations mainly on cuneiform texts, texts they regarded as authoritative. Many Late Babylonian commentaries include quotations from traditional lexical lists, but also from Mesopotamian literary,

[36] On Babylonian commentaries and intellectual innovation, see also Pearce 1998.

[37] The commentaries on Sa-gig 1–3 are listed in Frahm 2011, 221–224.

[38] See, inter alia, Beaulieu 2006, 205–210, 213, and Rempel and Yoffee 1999.

[39] Of course, this short sketch simplifies things slightly. Some Babylonian exorcists and astrologers spread Babylonian knowledge outside Mesopotamia, and there were certain members of the Babylonian urban elites who continued, throughout the Hellenistic period (and probably into Parthian times), to create new cuneiform texts, especially chronicles and astronomical and astrological works. For the latter, see Clancier 2011.

religious, and scholarly texts – they were almost as much intertexts as they were metatexts.[40]

At the same time, it is important to emphasize that the Babylonian scholars who wrote and copied text commentaries during Achaemenid times did not operate in an entirely self-referential cultural environment. More and more of them must have spoken Aramaic in their daily lives, and it is very likely that many also studied Aramaic texts. Unfortunately, there are few archaeological traces of such studies; we have only one longer Aramaic text written in cuneiform on a clay tablet.[41] Usually, such compositions were written in alphabetic script on papyrus or parchment, media the Iraqi climate did not preserve. But Aramaic (and Demotic) texts from Egypt with a "Mesopotamian" setting, among them the tale of Assurbanipal and Šamaš-šumu-ukīn and the Ahiqar story, strongly suggest the existence in Babylonia of an Aramaic tradition that was quite different from the tradition handed down in the cuneiform record.[42] And it is revealing that Berossus, the Babylonian scholar who wrote a history of Mesopotamia in Greek in the early Hellenistic period, included in his book many episodes not recorded in cuneiform sources. Clearly, scholars like him were familiar with certain non-native traditions.[43] But however multicultural their background, the Babylonian *literati*, it seems, normally dealt with the various traditions they studied in a strictly compartmentalized fashion. Knowledge handed down in Aramaic did not inform the exegetical endeavors they applied to the cuneiform textual record.

A Babylonian Background of Rabbinic Hermeneutics?

Were the newcomers who now lived in Mesopotamia and encountered Babylonian *literati* on a regular basis more open-minded? Did Persian and Judean scholars draw on Babylonian models in their attempts to better understand their own formative and normative traditions? There is some circumstantial evidence suggesting that we should answer these difficult questions in the affirmative, even though much remains unclear, and more detailed studies are necessary to gain a clearer picture.

Not well versed in Zoroastrian studies, I cannot say much about the possibility that Babylonian models influenced the ways in which Persian scholars

[40] For an overview of the most important "canonical" texts quoted in cuneiform commentaries, see Frahm 2011, 86–107.

[41] TU 58, most recently edited by Geller (1997–2000). Note, furthermore, the (unfortunately illegible) Aramaic colophon(?) of a cultic commentary from Uruk copied by Nougayrol (1947, 31). See also Frahm 2011, 337–338.

[42] See Dalley 2001 and Ryholt 2004. Most of the Aramaic and Demotic texts in question provide semi-fictitious accounts of important events in Assyrian history.

[43] See De Breucker 2011. For the possibility that a number of theological and cultic innovations in Achaemenid Uruk were inspired by Persian models, see below.

interpreted their own holy texts (of which we have manuscripts only from much later times). Geller has recently pointed out that the famous *magoi*, the Persian "priests" who were in charge of sacrifices and other rituals, seem to have been responsible for the same kinds of religious activities that were performed by the Babylonian exorcists (*āšipu*), the main protagonists of commentary studies during the Late Babylonian period.[44] But he does not claim that Babylonian *āšipūtu* had a strong impact on the Persian world, and there is no clear evidence for such a scenario.[45] Of course, it must be admitted that we know very little about the actual pursuits of the *magoi* during the Achaemenid period.

When we take a look at possible Babylonian influences on rabbinic hermeneutics, likewise attested only from later periods, we stand on slightly firmer, but still fairly shaky ground. As a starting point, it is important to note that there is little doubt that many texts in the Hebrew Bible, but also scholarly treatises from Qumran and later rabbinical works, draw on Babylonian traditions.[46] The existence of such intertextual connections makes it somewhat tempting to surmise that certain exegetical traditions of ancient Judaism might have a Babylonian background as well.

Indeed, when we compare Mesopotamian and early rabbinic hermeneutics, we find a number of marked similarities.[47] They include the essentially atomistic, lemma-based way scholars from both traditions excerpted items they wished to explain; the use of various forms of speculative, or creative philology, among them paronomasia and notarikon; the intertextual, and not just metatextual, nature of many explanations; and affinities between a number of technical terms that were used to label certain hermeneutical procedures. For example, the Akkadian word *šanîš*, "secondly," which introduces alternative explanations, has a counterpart in the Hebrew expression *davar aḥer*, "another matter," while the term used in Mesopotamian commentaries to mark quotations from the base text, *ša iqbû*, "(this is) what (the text) said," corresponds to *she-ne'emar*, "(this is) what is said (in the text)."[48] Akkadian *šūt pî*, "oral explanations,"[49] can be compared

[44] Geller 2010, 126–129.

[45] Simo Parpola (2004) has claimed that Assyrian extispicy specialists influenced Zoroastrian writings, but even though there are a few intriguing parallels, his arguments have not found many supporters.

[46] For a few bibliographical references, see Frahm 2011, 371. Astrological texts from Qumran that are clearly based on Babylonian models are discussed by Ben-Dov, forthcoming.

[47] For the following, see the more detailed discussion in Frahm 2011, 374–380 and now also Gabbay 2012.

[48] The suggestion that in Babylonian commentaries *ša iqbû* concludes a quotation from the base text ("(this is) what (the text) said"), while *kī*(*ma*) *iqbû* concludes the following explanation ("(this is) as if (the text) had said") goes back to Uri Gabbay, who provides evidence for it in his article in the present volume. I believe Gabbay is right, which means that my earlier interpretation of *ša iqbû* and *kī*(*ma*) *iqbû* as cuneiform "quotation marks" that enclose explanations (Frahm 2011, 108–110) needs to be modified. Some of the translations in Frahm 2011, 86–110 (and elsewhere) have to be corrected accordingly.

[49] For a discussion of the term *šūt pî* and its meaning, see Frahm 2011, 43–45, 87.

to *she-be'al peh*, "according to oral tradition." One might even speculate that Hebrew *midrash* is a calque on Akkadian *maš'altu*. Neither these nor a few other comparable word pairs are based on the direct borrowing of a Babylonian term, but the correspondences are sufficiently pronounced to suggest that the affinities in the overall approach to interpreting canonical texts are not merely structural.

From the time of the Babylonian exile onwards, large numbers of Judeans, including members of the political and religious elites, lived in Mesopotamia and became acquainted with important Babylonian texts. That a number of them received a fairly thorough Babylonian education is suggested by the book of Daniel, which states that "some of the Israelites … were to be taught the literature and language of the Chaldaeans."[50] The final version of Daniel was not composed before the second century BCE, but there is no question that the book includes materials that reflect authentic memories of much earlier times.

It is, hence, not unfeasible that the Judeans of the Chaldaean era, as well as their descendants from the Achaemenid and later periods, did come into contact with the Babylonian commentary tradition and use some of its basic features for their own purposes. An additional argument for such a scenario is that the role played by Babylonian *ummânu*s, master scholars who were key authorities on the interpretation of ancient texts, is in some respects quite reminiscent of that of early Jewish rabbis. It is, furthermore, noteworthy that the earliest set of rabbinical *middot*, formalized interpretational rules that were codified by Jewish *literati*, is attributed to Hillel the Elder, a scholar from the time of Herod who is said to have originated in Babylonia. Even though one has to admit that the rules in question seem to have a Hellenistic rather than a Babylonian background, and that they may not really derive from Hillel, the reference to the latter's association with Babylonia is somewhat intriguing.[51]

Where would the Judean encounter with Babylonian hermeneutics, if there ever was one, most likely have taken place? The city of Nippur, as we have seen, remained an important center of Mesopotamian scholarship until late times, and it is well known that significant numbers of Judeans lived in the area around Nippur during the Achaemenid period. Learned men were not completely absent among them – according to the Bible, the prophet Ezekiel had his home in Tel Aviv on the Kebar river, which some scholars have located not far from Nippur.[52] Yet most of the Judeans in the Nippur region seem to have been lowly farmers, which makes it more probable that any possible exposure of Judean scholars to Babylonian hermeneutics would have occurred in the city of Babylon, where a significant portion of the Judean elite used to live. As I have explained before, we cannot uphold the claim that a scribe with a Hebrew name wrote a cuneiform

[50] Dn 1:3–5. The passage is also discussed in I. Finkel's contribution to the present volume.

[51] For brief remarks and some bibliography on Hillel's (and other rabbis') *middot*, see Frahm 2011, 59, 380.

[52] But see the discussion by Abraham Winitzer in the present volume.

commentary in Babylon during the Achaemenid period, but this, of course, does not exclude the possibility that there were other Judeans who studied cuneiform hermeneutics in that city. They would have had more than half a millennium to do so. The latest cuneiform text commentaries available to us from Babylon date to the time around 100 BCE, and it is possible that the genre survived even longer, now perhaps written on parchment.[53]

As Ran Zadok has shown, it seems that only a few Judeans settled in the region of Uruk, the second most important center of Late Babylonian scholarship.[54] The cultural and religious developments of Late Babylonian Uruk may, nonetheless, likewise hold some lessons for a better understanding of the emergence of certain Jewish traditions and institutions. In the mid-Achaemenid period, priests and scholars in Uruk implemented a religious reform aimed at elevating the sky-god Anu, who had up to then played second fiddle to the mighty goddess Ištar, patroness of love and war. Henceforth, Anu held a central position in the pantheon of Uruk. The whole endeavor, which was accompanied by the creation of new religious texts and a new cultic infrastructure,[55] brings to mind the developments in Jerusalem during the Second Temple period, where another male god, Yahweh, who also had features of a god of the heavens, became the focus of all worship. It is not unfeasible that these two promotions of male deities with celestial dimensions may have been influenced by the worship of Ahura Mazdā among the Persian overlords of both Uruk and Jerusalem.[56]

Concluding Remarks

While Babylonian commentaries from the Achaemenid and Hellenistic periods seem to make little use of knowledge not encoded in cuneiform, it is possible, even though there is so far no proof, that rabbinical scholarship and hermeneutics were influenced, at least tangentially, by Babylonian models, perhaps in a process that could be described, in the words of K. L. Sparks, as an act of "elite

[53] See Geller 1997 and Frahm 2011, 31, 308–309 (with remarks on references to late cuneiform texts written on parchment). For a more skeptical assessment of the longevity of cuneiform scholarship, see Westenholz 2007.

[54] Zadok (1979, 20, 39–40) has found only one name that might be Jewish in the numerous documents from Uruk dating to the Chaldaean and Achaemenid periods.

[55] There is at least one text commentary that shows traces of this new theology. Several entries of the terrestrial omen commentary SBTU 3, 99 refer to the god Anu; see Reiner 1996 and Frahm 2011, 201.

[56] The structural parallels between the religious reforms in Uruk and Jerusalem, briefly described by myself in Frahm 2002, 99–104, have recently been analyzed in more detail by A. Berlejung (2009). Berlejung is right in pointing out that an important difference between the theologies of the two cities is the significant role played in Uruk by Antu, the female companion of the god Anu. Antu seems to have no counterpart in Jerusalem during the Second Temple period.

emulation."[57] However, it is important not to overlook the differences between the two traditions. Both early rabbinical and Mesopotamian exegetes used techniques of interpretation that appear quite similar. But they applied them to two very different text corpora. The Mesopotamian texts that were commented on by Assyrian and Babylonian scribes were mostly technical treatises such as omen texts and medical compendia, and many of them were geared toward kings. Once Mesopotamia had lost its political independence, these regicentric works became increasingly anachronistic. The Jewish scholars, in contrast, applied their exegetical efforts to a corpus that comprised large numbers of legal and historical texts, of which many were critical of the role of kings. Such a corpus provided a far more stable foundation for a community that needed normative and formative instruction in times of crisis and foreign domination than the Mesopotamian texts. Unlike those, the Bible, and the secondary literature that developed around it, had the potential to serve, in the famous words of Heinrich Heine, as a "portable fatherland" for centuries and millennia to come.[58]

Bibliography

Beaulieu, P.-A. 2006. "Official and Vernacular Languages: The Shifting Sands of Imperial and Cultural Identities in First-Millennium B.C. Mesopotamia." In *Margins of Writing, Origins of Cultures*, edited by S.L. Sanders, Oriental Institute Seminars 2, 187–216. Chicago: Oriental Institute of the University of Chicago.

Ben-Dov, J. Forthcoming. "Babylonian Astral Sciences in West Semitic Sources: The Case of Qumran." In *The Interactions of Ancient Astral Science*, edited by D. Brown. Bremen: Hempen.

Berlejung, A. 2009. "Innovation als Restauration in Uruk und Jehud." In *Reformen im Alten Orient und der Antike*, edited by E.-J. Waschke, Orientalische Religionen in der Antike 2, 71–111. Tübingen: Mohr Siebeck.

Brown, D. 2000. *Mesopotamian Planetary Astronomy-Astrology*. Cuneiform Monographs 18. Groningen: Styx.

Civil, M. 1974. "Medical Commentaries from Nippur." *Journal of Near Eastern Studies* 33:329–338.

Clancier, P. 2011. "Cuneiform Culture's Last Guardians: The Old Urban Notability of Hellenistic Uruk." In *The Oxford Handbook of Cuneiform Culture*, edited by K. Radner and E. Robson, 752–753. Oxford: Oxford University Press.

Crüsemann, F. 1987. "Das 'portative Vaterland'. Struktur und Genese des alttestamentlichen Kanons." In *Kanon und Zensur*, edited by A. Assmann and J. Assmann, Beiträge zur Archäologie der literarischen Kommunikation, 63–79. Munich: Fink.

Dalley, S. 2001. "Assyrian Court Narratives in Aramaic and Egyptian: Historical Fiction," *Proceedings of the XLV^e Rencontre Assyriologique Internationale, Part I: Har-*

[57] See Sparks 2007, a contribution that focuses on Jewish responses to the Babylonian Epic of Creation.

[58] Heine calls the Bible a "portatives Vaterland" in his late work "Geständnisse" ("Confessions"). For some further discussion of the term and its implications, see Crüsemann 1987.

vard University: Historiography in the Cuneiform World, edited by T. Abusch et al., 149–161. Bethesda, MD: CDL Press.

De Breucker, G. 2011. "Berossos between Tradition and Innovation." In *The Oxford Handbook of Cuneiform Culture*, edited by K. Radner and E. Robson, 637–657. Oxford: Oxford University Press.

De Zorzi, N., and M. Jursa. 2011. "The Courtier in the Commentary." *Nouvelles Assyriologiques Brèves et Utilitaires* 2011/33:41–42.

Finkel, I. L. 1988. "Adad-apla-iddina, Esagil-kīn-apli, and the Series SA.GIG." In *A Scientific Humanist: Studies in Memory of Abraham Sachs*, edited by E. Leichty, M. deJ. Ellis, and P. Gerardi, Occasional Publications of the Samuel Noah Kramer Fund 9, 143–159. Philadelphia: Samuel Noah Kramer Fund, The University Museum.

–. 1991. "*Muššu'u*, *Qutāru*, and the Scribe Tanittu-Bēl." In *Velles Paraules: Ancient Near Eastern Studies in Honor of Miguel Civil on the Occasion of His Sixty-Fifth Birthday*, edited by P. Michalowski et al. Special issue, *Aula Orientalis* 9:91–104.

–. 2000. "On Late Babylonian Medical Training." In *Wisdom, Gods and Literature: Studies in Assyriology in Honour of W. G. Lambert*, edited by A. R. George and I. L. Finkel, 137–223. Winona Lake, IN: Eisenbrauns.

Frahm, E. 2002. "Zwischen Tradition und Neuerung: Babylonische Priestergelehrte im achämenidenzeitlichen Uruk." In *Religion und Religionskontakte im Zeitalter der Achämeniden*, edited by R. G. Kratz, 74–108. Gütersloh: Kaiser, Gütersloher Verlagshaus.

–. 2004. "Royal Hermeneutics: Observations on the Commentaries from Assurbanipal's Library at Nineveh." *Iraq* 66:45–50.

–. 2011. *Babylonian and Assyrian Text Commentaries: Origins of Interpretation*. Guides to the Mesopotamian Textual Record 5. Münster: Ugarit-Verlag.

Gabbay, U. 2012. "Akkadian Commentaries from Ancient Mesopotamia and Their Relation to Early Hebrew Exegesis." *Dead Sea Discoveries* 19:267–312.

Geller, M. J. 1997. "The Last Wedge." *Zeitschrift für Assyriologie* 87:43–95.

–. 1997–2000. "The Aramaic Incantation in Cuneiform Script (AO 6489 = TCL 6, 58)." *Jaarbericht van het Vooraziatisch-Egyptisch Gezelschap "Ex Oriente Lux"* 35–36:128–145.

–. 2010. *Ancient Babylonian Medicine: Theory and Practice*. Chichester, West Sussex, U. K.: Wiley-Blackwell.

Genty, T. 2011. "Les commentaires à TDP 3–40: Première Partie." *Journal des médecines cunéiformes* 16:1–38.

George, A. R. 1991. "Babylonian Texts from the Folios of Sidney Smith, Part Two: Prognostic and Diagnostic Omens, Tablet I." *Revue d'Assyriologie* 85:137–163.

Gong, Y. 2000. *Die Namen der Keilschriftzeichen*. Alter Orient und Altes Testament 268. Münster: Ugarit.

Heeßel, N. P. 2009. "Neues von Esagil-kīn-apli: Die ältere Version der physiognomischen Omenserie *alamdimmû*." In *Assur-Forschungen: Arbeiten aus der Forschungsstelle "Edition literarischer Keilschrifttexte aus Assur" der Heidelberger Akademie der Wissenschaften*, edited by S. M. Maul and N. P. Heeßel, 139–187. Wiesbaden: Harrassowitz.

Hunger, H. 1968. *Babylonische und assyrische Kolophone*. Alter Orient und Altes Testament 2. Kevelaer: Butzon und Bercker; Neukirchen-Vluyn: Neukirchener Verlag.

Jursa, M. 1999. *Das Archiv des Bēl-rēmanni*. Publications de l'Institut historique-archéologique néerlandais de Stamboul 86. Istanbul: Nederlands Historisch-Archaeologisch Instituut te Istanbul; Leiden: Nederlands Instituut voor het Nabije Oosten.

Koch, U. S. 2011. "Sheep and Sky: Systems of Divinatory Interpretation." In *The Oxford Handbook of Cuneiform Culture*, edited by K. Radner and E. Robson, 447–469. Oxford: Oxford University Press.

Livingstone, A. 1986. *Mystical and Mythological Explanatory Works of Assyrian and Babylonian Scholars*. Oxford: Clarendon Press.

Nougayrol, J. 1947. "Textes et documents figurés." *Revue d'Assyriologie* 41:23–53.

Parpola, S. 2004. "The Originality of the Teachings of Zarathustra in the Light of Yasna 44." In *Sefer Moshe: The Moshe Weinfeld Jubilee Volume*, edited by C. Cohen et al., 373–383. Winona Lake, IN: Eisenbrauns.

Pearce, L. E. 1998. "Babylonian Commentaries and Intellectual Innovation." In *Intellectual Life of the Ancient Near East: Papers Presented at the 43rd Rencontre assyriologique international, Prague, July 1–5, 1996*, edited by J. Prosecký, 331–338. Prague: Oriental Institute.

Reiner, E. 1996. "The Synonym List Anšar = Anu." *Nouvelles Assyriologiques Brèves et Utilitaires* 1996/125:110.

–. 2004. "Constellation into Planet." In *Studies in the History of the Exact Sciences in Honour of David Pingree*, edited by C. Burnett et al., 3–15. Leiden: Brill.

Rempel, J., and N. Yoffee. 1999. "The End of the Cycle: Assessing the Impact of Hellenization on Mesopotamian Civilization." In *Munuscula Mesopotamica: Festschrift für Johannes Renger*, edited by B. Böck et al., Alter Orient und Altes Testament 267, 385–398. Münster: Ugarit-Verlag.

Ryholt, K. 2004. "The Assyrian Invasion of Egypt in Egyptian Literary Tradition." In *Assyria and Beyond: Studies Presented to Mogens Trolle Larsen*, edited by J. G. Dercksen, Uitgaven van het Nederlands Instituut voor het Nabije Oosten te Leiden 100, 483–510. Leiden: Nederlands Instituut voor het Nabije Oosten.

Sparks, K. L. 2007. "*Enūma eliš* and Priestly Mimesis: Elite Emulation in Nascent Judaism." *Journal of Biblical Literature* 126:625–648.

Streck, M. 2009. Review of *The Assyrian Dictionary of the Oriental Institute of the University of Chicago*, volume 18, *T* (2006), and volume 19, *Ṭ* (2006). *Zeitschrift für Assyriologie* 99:135–140.

Van Soldt, W. H. 1995. *Solar Omens of Enūma Anu Enlil: Tablets 23 (24)–29 (30)*. Publications de l'Institut historique-archéologique néerlandais de Stamboul 73. Istanbul: Nederlands Historisch-Archaeologisch Instituut te Istanbul.

Waerzeggers, C. 2003–2004. "The Babylonian Revolts Against Xerxes and the 'End of Archives.'" *Archiv für Orientforschung* 50:150–173.

Westenholz, A. 2007. "The Graeco-Babyloniaca Once Again." *Zeitschrift für Assyriologie* 97:262–313.

Zadok, R. 1979.*The Jews in Babylonia during the Chaldean and Achaemenian Periods according to the Babylonian Sources*. Studies in the History of the Jewish People and the Land of Israel, Monograph Series 3. Haifa: University of Haifa.

Uri Gabbay

Actual Sense and Scriptural Intention: Literal Meaning and Its Terminology in Akkadian and Hebrew Commentaries

I. Introduction

The concept of "literal meaning" can relate to two different categories. It can refer to a lexical understanding of a word or phrase regardless of its context, for example when figurative language occurs; or it can refer to the obvious intention of a sentence or passage, usually agreeing with the basic lexical meaning of the words that comprise it, as opposed to a more expository meaning achieved through exegesis. The lexical meaning of a word usually fits its meaning in the context it is found in, and the formulation of a text usually reflects the intention of the text. Nevertheless, occasionally there are gaps. The basic lexical meaning of a word sometimes does not agree with its meaning in a specific context, and the wording of a phrase may not correspond to its intended meaning.

The following article will examine the perception of literal meaning in Akkadian and Hebrew exegetical texts as seen in two sets of terms, the first referring to the basic lexical or contextual understanding of a word or phrase, and the second referring to the wording or intention of the commented text. Each of the terms is first dealt with in Akkadian, then in Hebrew, and followed by a comparative discussion.[1]

The Akkadian terms are taken from commentaries on various genres of texts stemming from the seventh century BCE to the Achaemenid and early Hellen-

[1] The emphasis in this article is on the Akkadian commentaries, since this is my main field of study, and since this material has received less scholarly attention in comparison to the Hebrew materials. For previous comparative studies on Akkadian commentaries and Hebrew midrash, see Lambert 1954–1956, 311; Tigay 1983; Cavigneaux 1987; Lieberman 1987; Frahm 2011, 373–380; Gabbay 2012. I would like to thank Yishay Rosen-Zvi for sharing with me unpublished entries and materials from his forthcoming study on midrashic terminology (Rosen-Zvi, forthcoming), Mark Geller for sharing with me some information on the tablet BM 67179 which he is preparing for publication, Nathan Wasserman for discussions on various topics related to this article, and Yair Furstenberg, who first called my attention to the term *waddai* dealt with below. I also thank Noam Mizrahi, Yakir Paz, Avigail Wagschal, and Yonatan Sagiv for reading and commenting on the paper. The ideas expressed in this paper are entirely my own.

istic periods.[2] The Hebrew terms are taken from the earliest Hebrew exegetical texts, namely sectarian texts known from the Dead Sea Scrolls and from tannaitic rabbinic literature, especially halakhic midrash.[3] Both the Hebrew and the Akkadian exegetical texts demonstrate attempts to find the literal meaning of a word or phrase, on the one hand, and to harmonize the sense of the word or phrase with the larger context or with other texts, on the other. Very often, these two attempts overlap and the literal sense of a passage also agrees with its harmonization in the greater context, but occasionally they do not. In such cases, various hermeneutical methods are used in order to explain this gap.[4] The following article will not examine these hermeneutical methods as phenomena, but will rather identify and describe some technical terms that were used in cases where literal or nonliteral meanings were referred to, and through these terms to examine the notion of the literal and nonliteral sense of, and the exegetical attitude towards, the base text (i. e., the text that is the subject of interpretation in the commentary).

II. Akkadian and Hebrew Terminology for Literal Meaning

II.1. Akkadian literal interpretations: kayyān(u)

A frequent phenomenon of Babylonian hermeneutics is the enumeration of multiple interpretations. Usually the first interpretation is introduced with no designation, followed by *šanîš*, "secondly," for the second interpretation, and if others exist they are introduced as *šalšiš*, "thirdly," *rebîš*, "fourthly," and so forth.[5]

Interestingly, these interpretations may be distinguished as literal or nonliteral. This is done by the adjective/adverb *kayyān(u)*, "regular," a term occurring a few times in commentaries, all probably dating to the late Achaemenid period.

---

[2] For a study and overview of the Akkadian corpus of commentaries, see now Frahm 2011, as well as his contribution in this volume.

[3] The examples from the sectarian texts are from the *pesher* literature (for a general survey, see Berrin 2000), especially the Habakkuk Pesher (for a general survey, see Bernstein 2000), and from the Damascus Document, known especially from the Cairo Genizah but also from the Dead Sea Scrolls (for a general survey, see Baumgarten 2000). For an up-to-date introduction to the halakhic midrash, see Kahana 2006. The *pesharim* and midrashic literature are used in this article for the sake of comparing early Hebrew materials with Akkadian materials, and are not intended to illustrate a relationship between these two Hebrew corpora, which at times exhibit more differences than similarities; cf. Kister 1998; Fraade 1999; Kahana 2006, 9–11.

[4] For literal meaning in the halakhic midrash, cf. recently Kahana 2006, 18–24; Sagiv 2010.

[5] In rare cases there is a variation in terminology for the introduction of multiple interpretations; cf. Frahm 2011, 60 n. 271. The suggestion by Freedman (2006, 153:r.8 and 157) that *ezib* could also refer to an alternative interpretation is probably incorrect (the word seems to be part of the commentary and not a technical term). For a possible connection between Akkadian *šanîš* and Hebrew *davar aḥer*, see Gabbay 2012, 308–309 n. 128.

The term usually appears with the first interpretation of a word or phrase and indicates its literal meaning in the commented text.[6] It occurs after the citation of the commented text, either alone or following a short explanation of the commented word or phrase, and seems to always appear in the masculine singular. In the following, four occurrences of this term will be examined, with discussions on their hermeneutic role in the specific context, as well as their semantic and syntactical function.

Example 1: A passage from a commentary on predictions according to the behavior of birds explains an omen regarding the mental impact caused by the observation of the mating of birds. The commentary begins with a citation of the base text and then proceeds to its interpretation.

> "If he sees the mating ('mounting') of birds – desperation will come upon him."[7] – To mount – regular (*kayyān(u)*); "desperation" which it said: he will go mad. (Second interpretation):[8] (The sequence of signs written) KÍD.KÍD (with the pronunciation) *šedšed* (means) "mounting" of birds. (The sign) KÍD (with the pronunciation) *šen* (means) net, ditto (= the sign KÍD with the pronunciation *šen* means) to pass.[9]

In this text the mating of birds, using the Akkadian word *ritkubu*, is first explained by introducing the related infinitive *rakābu* and noting that it should be understood literally, according to its "regular," or "actual" meaning (*kayyān(u)*). Then the phrase "desperation" is reintroduced from the apodosis,[10] and an explanation is given. Then follows another, nonliteral, interpretation, explaining the "mating of birds" as meaning the passing of a net (probably indicating its stretching). This second explanation is not only a play on words, but indicates that the formulation "mating of birds" actually refers to the observation of "passing a net."

Why did the commentator seek this second interpretation, which is surely not the literal sense of the commented omen? Commentaries often seek to find

---

[6] See Cavigneaux 1982, 237; George 1991, 155; Geller 2010, 201 n. 282; Frahm 2011, 38. The term is known to me from eleven attestations on eight tablets. Frahm (2011, 38 n. 137) lists four attestations: SBTU 1, 27:r.21 (Hunger 1976, no. 27) (George 1991, 146; written: SAG.ÚS); Civil 1974, 332:15–16 (written: SAG.ÚS); Rochberg-Halton 1988, 284:30 (written: *ka-a-a-nu*); BM 67179:r.13' (unpublished; written: *ka-a-a-nu*; the same term probably appears also in line r.2': *ka-a-nu*, courtesy M. Geller). Besides these references, the term is also attested in BRM 4, 32:26 (Geller 2010, 169; written: *ka-a-a-an*); SBTU 1, 90:r.3' (Hunger 1976, no. 90) (written: *ka-a-a-nu*); SBTU 3, 99:44 (von Weiher 1988, no. 99) (written: SAG.ÚS); and SBTU 4, 145:6, 7 (von Weiher 1993, no. 145) (both written: SAG.ÚS), 10 (written: *ka-a-a-nu*).

[7] The text requires an emendation, since the line begins with an unexpected vertical wedge before the apodosis; cf. von Weiher 1988, 188. But it is likely that this is a mistake (therefore emend: <<DIŠ>>).

[8] This explanation is not introduced by *šanîš*, which would be quite rare. It is likely that this is due to haplography: *i-šá-an-<niš* : *šá>-niš*.

[9] SBTU 3, 99:43–46 (von Weiher 1988, no. 99).

[10] This is done by citing the phrase and following it with the term *ša iqbû*, "which it said"; see example 9 below.

the connection between an ominous sign in the protasis and its prediction in the apodosis,[11] and it is likely that the commentator searched for an explanation of why the observation of the mating of birds would cause desperation. Although the literal and regular sense of the phrase "mounting of birds" refers to mating, this does not have anything to do with the apodosis, where desperation is described. Therefore, the commentator attempted to interpret the phrase differently, through a lexical correspondence that diverges from the actual known meaning of the verb "to mount," by equating the phrase "mounting of birds" with a Sumerian equivalent, and then demonstrating that this Sumerian equivalent could also stand for the words for "pass" and "net."[12] This led to the sophisticated understanding of the phrase "mounting of birds" as "a passing of a net." This interpretation perhaps alludes to the confusion and desperation of a bird captured by a net stretched out to it, which is an omen for the coming desperation of the one who observes this, and thus replicates the inner logic of the broader context of the entire omen.

But why would the commentator take the trouble to include the obvious explanation that "mount" could also be understood in the regular sense of mounting or mating? The reason is that even though it would be hard to find the connecting logic between protasis and apodosis when "mount" is understood literally, this regular interpretation (*kayyān(u)*) is still a possibility.

Lastly, what exactly does *kayyān(u)* refer to in this example: the "regular" sense of the word "to mount," or the "actual" action of "mounting"? The basic meaning of the adjective *kayyānu* is "regular," so it would seem that the term refers to the distinction between a regular meaning and a nonregular meaning. But *kayyānu* in Akkadian does not simply refer to something regularly occurring, but – derived from the verb *kânu* (Semitic: *kwn*), "to be firm, loyal, honest" – also denotes "true," "firm," and "actual" (see below). The term *kayyān(u)* in commentaries, then, may refer to the difference between an "actual" understanding and an understanding which is not "actual." Thus, in the commentary, the first explanation, using the infinitive "to mount" (also: "mounting") of the form attested in the omen followed by the adjective *kayyān(u)*, may imply (to paraphrase): "'mounting' is actually what it is: 'mounting,'" rather than: "the regular (meaning of) 'mounting.'"

Example 2: The unclear distinction between the meanings "regular" and "actual" of *kayyān(u)* may be seen in the following example, drawn from a series of

[11] See Frahm 2011, 80: "Commentaries were particularly eager to find links between omen protases and apodoses, which at first glance often seemed to be put together without apparent reason."

[12] The lexical equation uses the following logic: "A = B and B = C; therefore: A = C." This is not a rare instance of the use of such logic as a hermeneutic tool in Mesopotamian commentaries; cf. also Frahm 2011, 65–65.

omens that relate the medical condition of a patient to observations by the healer on his way to that patient:

> If he (= the healer on the way to the patient) sees a baked brick (*agurru*) – that patient will die.[13]

A commentary to this omen offers several interpretations:

> "If he sees a baked brick (*agurru*) – the patient will die" – regular (*kayyān(u)*); secondly: (*agurru*, "baked brick," refers to) a man who returned from the river ordeal, (because the element) "a" (from the word *agurru* means) water, (and) "gur" (means) return; thirdly: (*agurru*, "baked brick," refers to) a pregnant woman, (because the element) "a" (means) son, (and) "gur" (with the pronunciation) *kir* (means) to pinch off; secondly: "a" (means) son, (and) "*gur*" (means) carry.[14]

The second and third interpretations in the commentary seek the significance of the word for "baked brick," which alludes to the death of the patient. They both do so by a *notariqon* of the word for baked brick, *agurru*, used to signify phenomena connected to the creation of new life, whether birth in the third interpretation,[15] or the spared life of the person who survived the river ordeal in the second interpretation. These interpretations probably indicate that the new lives were conceived as substitutes for the near-death of the patient,[16] and as in the previous example, seek to connect the ominous observation in the protasis to the prediction in the apodosis.

But the first interpretation does not seek a nonliteral meaning in the word for "baked brick," *agurru*. It simply notes that the "baked brick" in the omen entry is none other than (*kayyān(u)*) a baked brick. As in the previous example, this statement is significant, since the literal understanding of the word *agurru* as "baked brick" in the protasis has nothing to do with the death of the patient in the apodosis. Furthermore, it makes the literal meaning of the entire line difficult. As noted by Eckart Frahm,[17] "baked brick" may be the literal meaning of the word *agurru*, but given that baked bricks were a usual construction material in Mesopotamia, the omen would effectively predict the death of every patient visited by a healer, who could scarcely avoid seeing an *agurru* on his way to the patient. Nevertheless, the commentary notes this is a possible interpretation of the text (or at least an interpretation that was given to the text), even though it causes problems in understanding the rationale behind the text as a whole.

What does the term *kayyān(u)* here refer to: the meaning of the word, or the essence of the object represented by the word? The answer is not decisive. In this

---

[13] George 1991, 142–143:4. See also the contribution by I. Finkel in this volume.

[14] SBTU 1, 27:r. 21–23 (Hunger 1976, no. 27); George 1991, 146–147:4.

[15] Note that the third interpretation includes two ways (both *notariqon*) of arriving at the meaning "pregnant woman."

[16] See George 1991, 154–155.

[17] See Frahm 2011, 38.

example, *kayyān(u)* can refer to the "regular" meaning of the word *agurru*, i. e., that the word *agurru* represents a brick, but it can also refer to the "actuality" of the brick. In linguistic terms, *kayyān(u)* may refer here either to the signifier, *agurru*, or to the signified, the baked brick.

Example 3: The following occurrence of *kayyān(u)*) from a medical commentary demonstrates that the relation between the meaning "actual" and the meaning "regular" is not just a nuance:

> "Anise (written with the signs Ú = plant, and ḪA = fish)" (is to be read) "fish-plant," actual (*kayyān(u)*); […][18]

The commentary here attempts to give the reading of the logographically written name of a plant[19] that is said to be used medically in the base text. The commentary notes that the sequence of the signs Ú and ḪA should be read as *šammi-nūni*, "fish-plant."[20] Following this clarification, the commentary notes: *kayyān(u)*. Here, *kayyān(u)* cannot refer to the "regular" meaning of the sign sequence Ú.ḪA, since "fish-plant" is not its regular reading. Normally, this sequence of signs probably indicates the plant *urânu*, "anise," or, less often, *šimru*, "fennel."[21] But the signs Ú.ḪA could also have the reading: *šammi-nūni* (or: *šammi-nūnī*), "fish-plant," probably a designation relating to anise, fennel, or another similar plant as well. This reading is a literal rendering of the elements of the writing Ú.ḪA, since Ú is the cuneiform sign that stands for "plant," and ḪA is the sign that stands for "fish." Indeed, this literal rendering of the signs is also (rarely) attested in other lexical and exegetical texts.[22] In any case, although the reading "fish-plant" is possible, it is not the "regular" reading, which is *urânu*. Therefore, *kayyān(u)* here does not refer to the "regular" meaning of the commented word – in this example, the reading of the sequence of signs – but

[18] BRM 4, 32:26–27 (Geller 2010, 169).

[19] It is very common for commentaries to indicate the reading of signs that are used as logograms; see Frahm 2011, 62–64. For such indications in the discussed commentary BRM 4, 32 (not always referring to the reading), see Maul 2009, 70–73.

[20] My interpretation slightly differs from the one proposed by Geller (2010, 173): "slag is also *urânu*(-plant), literally 'fish-plant.'" Geller understands anise (*urânu*-plant) as an explanation of the previous word, but in my opinion, "anise" (Ú.ḪA = *urânu*) begins a new entry and is not related to the previous word, which probably belonged to the commentary on the previous lemma. In addition, I do not understand the commentary as remarking on the literal meaning of the writing of *urânu* (cf. also Geller 2010, 201 n. 282), but rather as an alternative reading of the plant as *šammi-nūni*, "fish-plant," rather than *urânu*.

[21] See *CAD* Š/III, 9a: "The reading of the log[ogram] Ú.ḪA … is unknown; it may be *šimru* or *urânu*." But in *CAD* U/W, 207–208, Ú.ḪA is already given as a writing for *urânu* (according to a syllabic parallel in one case, cited on p. 207b, para. c 3').

[22] See the writings Ú *ša-mi* ḪA.ḪI.MEŠ and Ú ḪA.ḪI.A (where the plural indicators probably indicate a reading KU_6 of the sign ḪA) in *Uruana* I 323–329 (according to *CAD* Š/III, 8b; *CAD* U/W, 207a); also Langdon 1916, 30:r.3–4 (a commentary from the Neo-Assyrian period), where *urânu*, "anise," in an omen is explained: "anise (*urânu*) = *arantu* grass = *alamû*-plant = fish-plant (*šam-me* ḪA.ḪI.A)."

rather to the "actual," separate reading of each of the signs as "plant" and "fish," resulting in "fish-plant.[23] It is possible that in the unpreserved part of the next line, the more regular renderings of the signs as *urânu* and *šimru*, and perhaps other equations, were given.[24]

Example 4: The last occurrence presented here also demonstrates the type of "literal" interpretation that the term *kayyān(u)* relates to. The nineteenth tablet of the astronomical omen series *Enūma Anu Enlil* deals with predictions concerning lunar eclipses occurring in different stages of the night. Among other scenarios, the tablet deals with eclipses during the rising and setting of the moon.[25] A commentary tablet from Achaemenid Babylon[26] addresses some of these omens, and the following entry is cited and interpreted:

> "If the Moon sets ('enters') darkly" – It enters [into a] cloud in darkness and it sets (while) in the cloud; secondly: regular (*kayyān(u)*).[27]

This omen and similar omens dealing with the dark rising ("coming out") of the moon were understood in antiquity to refer to a lunar eclipse that is already in effect while the moon rises in the evening, or still in effect while the moon sets at the end of the night.[28] The second interpretation in the commentary refers to this understanding, namely, that the moon setting "darkly" should be understood in its regular sense as the setting of the moon in the early morning while it is still eclipsed. However, in some of these omens the verbs used for the rising ("coming out") and setting ("entering") of the moon are the verbs usually used for the rising and setting of the sun.[29] Therefore, the first interpretation does not understand the verb "to enter" as setting, but rather literally as entering into a cloud, although still placing this interpretation at the end of the night, noting that

---

[23] Note that it refers to the actual meaning of the signs and not to the actual meaning of the words represented by the signs; the term does not refer to an actual "plant of a fish," which does not exist.

[24] Note that earlier in the same text (BRM 4, 32:5; cf. Geller 2010, 168; Maul 2009, 71) the sign sequence Ì KU_6 (= ḪA) is rendered (correctly) as *šamni nūni*, "fish-oil," without the designation *kayyān(u)*. This is indeed the actual meaning of the signs, and it is also the regular and most obvious way of reading the signs, while the reading of the signs Ú.ḪA as *šammi-nūni* in our example, although rendering the actual meaning of the signs, is not the regular or obvious way of reading them, and therefore the term *kayyān(u)* is added.

[25] See Rochberg-Halton 1988, 47–48, 158.

[26] The scribe who copied this tablet, known from several other colophons (Finkel 1988, 153–155; Frahm 2011, 307), does not bear a Hebrew name, as was suggested by Livingstone (1986, 260) in his edition of one of them; see Finkel 1988, 154 n. 83 (also R. Zadok, personal communication).

[27] Rochberg-Halton 1988, 284:28–30.

[28] See Rochberg-Halton 1988, 47–48, 158; Koch-Westenholz 1999, 155–156 with n. 48. This understanding is reflected in astronomical reports by scholars to the king dated to the Neo-Assyrian period, which quote omens relating to the dark rising of the moon in the context of lunar eclipses in the evening; see SAA 8, 336, 535 (Hunger 1992, nos. 336, 535).

[29] The verb used for the setting of the moon and stars outside these omens is *rabû*; see *CAD* R, 50–52.

it also sets while in the cloud, but using the more common verb for the setting of the moon (*rabû*). Paradoxically, it is this interpretation that understands the verb "to enter" literally, while the second interpretation – which is said to be "regular," *kayyān(u)* – understands it contextually, in the more rare meaning of setting. Thus, the term here refers to the regular way in which the entire phrase is understood – including the verb as it functions in this specific context – and not necessarily to its ambiguous literal sense. Or, if we understand *kayyān(u)* here as "true, actual," it refers to the actual event that is commonly understood to be described in the omen, and not to the special meaning (even if more "literal"), adding the element of entering a cloud, to this phenomenon.

Semantics of *kayyān(u)*

The examples discussed above demonstrate that understanding the term *kayyān(u)* as "regular," which is the most common and basic meaning of this word, corresponds to the use of this term in commentaries in some instances, but in other instances it does not fit the context of the commentary. Rather, the term in the commentaries sometimes seem to indicate "actual" or "true," in addition to "normal" or "regular." This semantic range of the word *kayyān(u)* is attested also outside commentaries, especially in late periods, including the period in which it occurs in commentaries. A short semantic investigation of this word is due before proceeding with the discussion of the term in its exegetical uses.

The *Chicago Assyrian Dictionary* defines the adjective *kayyānu* as "normal, plain, permanent, constant, regular,"[30] and the adverb *kayyān(a)* as "always, constantly, regularly."[31] In the sixth century BCE, in the royal inscriptions of the Babylonian Chaldean kings, we find a more varied use of the adjective in accordance with the diverse meanings of the verb from which it is derived, *kânu*, "to be firm, to last, to be loyal, honest, reliable, correct."[32] Thus, we find the adjective as a first-person predicate, *kayyānāku*, with the meaning, "I am faithful, loyal."[33] The adjective *kayyānu* can also refer to the actuality of an object. Thus, in one of his inscriptions, the Babylonian king Nabonidus seeks the foundations of the actual and concrete (*kayyānu*) ancient cella of the Sun-god.[34]

---

[30] *CAD* K, 40b.

[31] *CAD* K, 38–39.

[32] *CAD* K, 159a.

[33] This appears with an extra phrase indicating the consistency of this quality, in the passage: *anāku ana Marduk bēliya kayyānāku lā baṭlāku*, "I am faithful to my lord Marduk, I am not negligent" (Langdon 1912, 144, i:22–23; 150, A ii:4–5; cf. 210, i:17), and in the phrase: *ana Esaĝil u Ezida kakdâ kayyānāk*, "I am always faithful to the Esaĝil and Ezida temples" (Langdon 1912, 168, B, vii:4–5; 94, iii:3–4); contra the elliptic understanding by *CAD* K, 42a: "constantly … (dedicated)."

[34] Schaudig 2001, 386 (with variant on p. 389), i:35, 38 (*papāḫi Šamaš kayyānu*). Note Schaudig's (2001, 392 with n. 483) translation and remark: "die beständige Cella (> wirkliche / eigentliche)."

The meanings "true, loyal" and "actual" occur one century earlier in the adjective *kayyamānu*, a by-form of *kayyānu* with the same meanings.[35] The form *kayyamānû* may refer to a loyal, trustworthy person,[36] and can refer also to something as "actual." Thus, in a literary underworld vision of an Assyrian prince written in the Neo-Assyrian dialect, the prince reports seeing the demon Šulak (cf. example 12 below) and proceeds to describe his appearance: "Šulak was an actual lion (*kayyamānīu*). He stood on his hind legs."[37] Here the adjective *kayyamānīu* means that the appearance of Šulak was not that of a demon with only some features of a lion, but rather that of an actual lion.

Returning to the term *kayyān(u)* in the commentaries:[38] the nuanced meanings of *kayyānu* and *kayyamānu* discussed above are found only from the seventh century BCE onwards, which is also the time when the commentary tradition arose. The use of *kayyān(u)* in commentaries is dated to the fifth century and later, and therefore is likely to have contained the semantic component of "true, actual," besides the more common meaning "regular."

Syntax and use of *kayyān(u)*

The few identified occurrences of the form *kayyān(u)* in commentaries make it difficult to discern whether the term is used as an adjective (probably as a predicate and not an attribute),[39] or as an adverb. As a technical term it is apparently

---

[35] The adjective *kayyānu* is the regular form used in the second millennium BCE, while *kayyamānu* is rare in this period. In the first millennium BCE *kayyamānu* replaces *kayyān(u)* as the colloquial form and as the form used in technical literature, especially omens (although both *kayyāna* and *kayyamān* are used in an adverbial sense in the first millennium). In literature and royal inscriptions of the first millennium BCE, *kayyamānu* is only rarely attested, and *kayyān(u)* is used instead, with many occurrences especially in the inscriptions of the Chaldean dynasty (where the form *kayyamānu* is not attested at all). Note one literary text where both forms are attested as variants in two different tablets (cited in *CAD* K, 37a, lexical section).

[36] *CAD* K, 38b.

[37] SAA 3, 32:r.6 (Livingstone 1989, 72, no. 32), but contra Livingstone's translation ("constantly"); cf. correctly von Soden 1936, 22:46: "ein normaler Löwe," and *CAD* K, 38b: "a veritable lion." In *AHw*, 420a, W. von Soden proposes a different understanding of *kayyamānīu* here: "daurend bereit," but this seems less likely.

[38] As already noted by Frahm (2011, 38 n. 137), the term *kayyān(u)* in commentaries should be compared to the by-form *kayyamānu* in omens, especially extispicy, which refers to a regular state in contrast to an abnormal state or special ominous feature; see *CAD* K, 37; Koch-Westenholz 2000, 507; Koch 2005, 588. In older omen collections, from the second millennium BCE, the form *kayyānu* rather than *kayyamānu* occurs for the same phenomenon (with one or two exceptions); see *CAD* K, 37, 40–41. Like many other features of commentaries that are influenced by or borrowed from the omen literature (cf. Frahm 2011, 20–23), perhaps the use of this term in omens, referring to normal and abnormal features, found its way into commentaries, referring to normal and abnormal meanings or understandings.

[39] The distinction between attribute and predicate would depend on whether the form appears as *kayyānu* or *kayyān*. Of the six attested syllabic spellings, five indicate the form *kayyānu* (example 4, BM 67179:r.13', and probably also r.2' of the same tablet; SBTU 1, 90:r.3' [Hunger 1976, no. 90]; SBTU 4, 145:10 [von Weiher 1993, no. 145]), and one indicates *kayyān* (example

undeclined according to the gender and number of the word or phrase to which it refers, but its few occurrences do not allow a decisive conclusion.[40]

The term *kayyān(u)* can appear alone, relating to the whole quoted phrase of the commented text (or to an implied word of it);[41] it can appear after a re-citation of a word from the base text;[42] or it can follow a clarification of or variation on the commented form: there are three occurrences where the term follows the infinitive of the verbal form attested in the commented text,[43] and there is one occurrence where the term follows a syllabic clarification of a logographically written noun (example 3 above).

In most cases the term *kayyān(u)* is given as one of several explanations, usually the first.[44] In one instance (example 1 above), the form *kayyān(u)* is not followed directly by a second interpretation, but rather, the commentary introduces the explanation of the following phrase in the base text, before proceeding to another interpretation of the phrase that was earlier designated as *kayyān(u)*.

The Akkadian concept of "literal" and its hermeneutic function as seen by the term *kayyān(u)*

Hermeneutically, the term *kayyān(u)* is used to indicate regular or actual, usually literal, meaning. It is used especially when another, nonliteral meaning is given as an alternative interpretation, or, perhaps, when another nonliteral option could have been suggested.[45]

The term *kayyān(u)* can refer to two phenomena that seem at times to be contradictory. It can refer to the literal, "etymological," sense of a word (as in "fish-plant" in example 3), even though it is not necessarily understood so nor-

---

3). But the final vowels in the orthography of this late period do not necessarily correspond to the Standard Babylonian grammar. Therefore, the answer is not obvious.

[40] Note that in example 2 above, it may be implied (according to the alternative interpretation) that the term *kayyān(u)* refers to the baked brick, *agurru*, a noun that is usually treated as feminine; see *AHw*, 17b.

[41] See examples 2 and 4 above, the unpublished tablet BM 67179:r.2', r.13', and SBTU 4, 145:6, 7 (von Weiher 1993, no. 145) (in the first line the whole phrase is verbally repeated before the term, and perhaps so also in the second line).

[42] So in SBTU 1, 90:r.3 (Hunger 1976, no. 90), where the noun *mešḫu* is likely to be a re-citation of the full omen probably cited earlier (in lines 1' or 2'; cf. Largement 1957, 248:63–68).

[43] See example 1 above: *rakābu kayyān(u)*, "to mount – regular" (or: "actual mounting"); Civil 1974, 332:15 (cf. George 1991, 155): *ṭarû kayyān(u)*, "to pierce – regular" (or: "actual piercing"); SBTU 4, 145:10 (von Weiher 1993, no. 145): *parû kayyān(u)*, "actual vomiting(?)."

[44] Exceptions are SBTU 1, 90:r.3 (Hunger 1976, no. 90), and example 4 above.

[45] In the unpublished medical commentary BM 67179:r.13', the word *maš-ṭa-ri*, "recipe," is designated as *kayyān(u)*, with no alternative interpretation (reading based on digital photographs and personal communication with M. Geller). Perhaps this stands in opposition to a potential nonliteral alternative understanding of this word (as máš-da-ri = *irbu*, "income"? Cf. *CAD* I/J, 174a). Another possibility is that this tablet reflects an actual pedagogical reality where some words were read in their sequence in the text but not expounded (cf. below).

mally in such a context, indicating that in the specific case it should nevertheless be interpreted in this way. Or, it can refer to the basic understanding of an entire phrase according to the regular and accepted way in which it was understood, even though a literal, noncontextual, understanding of one of its components could have led to a different interpretation (as in the "entering" of the moon in example 4). Thus, the term *kayyān(u)* seeks to find the "actual" and "regular" sense of a word in its context. Sometimes a literal understanding causes difficulties in the larger context, and an alternative nonliteral explanatory interpretation may harmonize various parts of the commented text. Still, in such cases, it is important for the commentator to state that the literal meaning of the word in its immediate context, although causing problems in the text as a larger harmonic unit, is still the "actual," "regular," or even "true" possibility.

II.2. Rabbinic literal interpretation: mamash *and* waddai

Rabbinic interpretations also distinguish between literal and nonliteral interpretations. In later periods this distinction was between *peshat*, "simple," and *derash*, "expository." But in earlier, tannaitic sources, which are relevant to this paper, other terms occur, namely *mamash*,[46] *waddai*,[47] and *ki-shemu'o*.[48] The first and second terms are the focus of our interest.

The word *mamash* literally means "concrete, actual," referring to the concrete essence of the object as signified by the word in the text, and consequently also to the word – the signifier – itself.[49]

Example 5: The use of the term *mamash* is demonstrated in a commentary on a verse referring to the booths in which the Israelites resided after the exodus. The Sifra introduces two interpretations of these booths, one literal and the other figurative:

> "In order that future generations may know that I made [the Israelite people] live in booths" (Lev 23:43) – Rabbi Eliezer says: they were actual booths (*sukkot mamash*). Rabbi Akiva says: the booths were the clouds of glory.[50]

---

[46] See Bacher 1899, 105; Rosen-Zvi, forthcoming.

[47] See Bacher 1899, 48; Rosen-Zvi, forthcoming.

[48] See Bacher 1899, 190. The term is attributed to the school of Rabbi Yishmael; see Yadin, 2004, 38–39; Rosen-Zvi, forthcoming.

[49] See Rosen-Zvi, forthcoming. According to Rosen-Zvi, the term is not assigned exclusively to a specific school, but there is a preference for assigning it to sayings attributed to the school of Rabbi Eliezer.

[50] Sifra *emor* 12:4 (Weiss, 103). Translation based on Neusner 1998b, 3:270, with some changes. See also examples 8a–c below, and Sagiv 2004, 55–67.

Here, *mamash* seems to refer to the actuality of the booths themselves and not to the word for them,[51] i. e., in linguistic terms, it refers to the signified and not to the signifier.

The term *mamash* is almost exclusively used in reference to a quote or to a paraphrase of a quote. At times a nominal form serving as the gerund is used when it comments on a conjugated verb.[52]

The term *mamash* is paralleled (even as a variant in identical or similar texts appearing in different sources) by the term *waddai*, which is often assigned to the school of Rabbi Akiva.[53] The adverb/adjective *waddai* or *be-waddai* usually means "certainly," and may designate the opposite of "doubtful" (*safeq*), but it can also be used as a technical hermeneutical term. This term, acting as an adverb or as an undeclined predicative adjective,[54] relates to the literal understanding of the commented text, and one finds the term in opposition to another explanation.

Example 6: Thus, for example, the biblical phrase "a land flowing with milk and honey" is explained in the Mekhilta of Rabbi Shimon bar Yohai:

> "A land flowing with milk and honey" (Ex 13:5) – Rabbi Eliezer says: milk is the milk of the fruits; honey is date honey. Rabbi Akiva says: milk is actual (*waddai*) milk, for it says: "And in that day the mountains shall drip with wine, the hills shall flow with milk" (Joel 4:18); honey is the honey of the forests, for it says: "When the troops came to the forest and found the flow of honey there" (1 Sam 14:26) …[55]

The juxtaposition of the interpretations of Rabbi Akiva and Rabbi Eliezer is not according to the individual commented elements. Rather, both present their sequence of interpretations on both elements of the verse, namely, milk and honey, Rabbi Akiva interpreting milk as "real" milk, i. e., "regular" or "actual" milk (adding scriptural support for this), as opposed to the milk of fruits in the alternative interpretation

Example 7: Another occurrence demonstrates how the term *waddai* can stand in opposition to a different, more expository, hermeneutical technique, such as *notariqon*. Thus, Ex 2:22 states that Gershom, the son of Moses and Zippora, was born in a foreign land:

> She (= Zippora) bore a son, whom he (= Moses) named Gershom; for he said "I have been a stranger in a foreign (*nokhriyah*) land."

---

[51] Rosen-Zvi, forthcoming.

[52] E. g., Mekhilta de-Rabbi Shim'on bar Yohai 23:5 (Epstein-Melamed, 215): *ki tifga'* (Ex 23:4) → *pegi'a mamash*; Sifra *be-huqqotai* 2:6 (Weiss, 112): *wa-'avadtem* (Lev 26:38) → *'ovdan mamash*.

[53] Rosen-Zvi, forthcoming. For attestations, see Bacher 1899, 48–49.

[54] See Kaddari 1978, 386–388.

[55] Mekhilta de-Rabbi Shim'on bar Yohai 13:5 (Epstein-Melamed, 38). Translation based on Nelson 2006, 68.

The commentary in the Mekhilta of Rabbi Yishmael gives two opinions on how to understand the word *nokhriyah*, "foreign," here:

> "Foreign" (*nokhriya*) – Rabbi Joshua says: it was a foreign land to him – obvious (*waddai*). Rabbi Elazar the Modiite says: in a land foreign to the Lord (i. e., *nokhriya* = *nekhar*, "foreign" + *yah*, "Lord").[56]

Here, the word "foreign" is first explained literally, *waddai*, according to the context, as foreign to Moses, and then as a *notariqon*, resulting in a nonliteral meaning of the context as foreign to God.

Like the term *mamash*, *waddai* can also occur with a simplified verbal form, altered from plural to singular,[57] from second to third person,[58] from passive to active,[59] or from Biblical to Rabbinic Hebrew grammar.[60] As with the form *mamash*, a nominal form can occur in the commentary serving as a gerund.[61]

Semantics, syntax, and role of the terms *mamash* and *waddai*

Both *mamash* and *waddai* relate to literal meaning, usually in opposition (achieved by various forms) to a nonliteral understanding. Their syntactical role is attributive or predicative; they are not declined according to gender and number.[62] The literal meaning in both cases is designated according to the semantic notion of "actual,"[63] and, in the case of *waddai*, also "true."[64] The semantic component "true" is seen in other, nonexegetical occurrences of the adjective *waddai*, where it can refer to a "true" or "loyal" person. Thus, in Midrash Genesis Rabbah (which is later than the sources where we find *waddai* as a

---

[56] Mekhilta de-Rabbi Yishm'ael, *Amalek*, 1 (Horowitz-Rabin, 191). Translation based on Neusner 1988a, 2:24, with modifications.

[57] Sifra *qedoshim* 1:1 (Weiss, 87): *tifnu* (Lev 19:4) → *tifne … waddai*.

[58] Sifra *sheratzim* 7:1 (Weiss, 54): *tishboru* (Lev 11:33) → *yishberenu waddai*.

[59] Sifra *sheratzim* 8:2 (Weiss 55): *yutatz* (Ex 11:35) → *yitzem waddai*.

[60] Mekhilta de-Rabbi Shim'on bar Yohai 19:20 (Epstein-Melamed, 144): *wa-yered* (Ex 19:20) → *yarad waddai*.

[61] Sifra *sheratzim* 10:1 (Weiss, 56): *yamut* (Lev 11:39) → *mitah waddai*.

[62] It is possible that in some occurrences this led to the use of *mamash* as a noun. Thus, Naeh (1989, 334) understands *sukkot mamash* in the Sifra (example 5 above) as a genitive construction.

[63] The word *mamash* is derived from the verb *mšš*, "to touch."

[64] The etymology of *waddai* is not certain. It was assumed to be derived from the root *yd'*, "to know" (Jastrow 1903, 372). Another possibility would be to derive it from the root *ydy*, "to praise, confess." According to N. Wasserman (personal communication) it is likely to be connected to the Akkadian modal particle *wuddi* (Assyrian: *waddi*), "certainly" (see *CAD* U/W, 409), which is derived from the verb *wuddû*, usually understood as a form of *idû*, "to know" (i. e., from the root *yd'/wd'*). Note, however, that the Akkadian form is not yet attested after the second millennium BCE, and therefore if the words are connected, the relationship between them may be of cognates and not necessarily of loans. Cf. also Landsberger 1964, 70 n. 823, who connects the Hebrew word to Akkadian *midde* (but see Wasserman 2012, 45).

hermeneutical term), Judah is described as *adam waddai*, "a trustworthy man."[65] Both terms may designate the commented phrase or word either directly, following a paraphrased or simplified verb or gerund, or after a short clarification or complement.

The form *mamash* can appear in two basic roles: (1) in opposition to another interpretation, as seen in example 5 above; and (2) as a potential interpretation that is rejected.[66]

The two roles of the term *mamash* are also found with the term *waddai*, with the addition of the following role: (3) as part of an exegetical process, where a phrase or sequence is divided into two, the first part may be understood literally and designated as *waddai*, leaving the other part, often a paraphrase of the preceding part, to a nonliteral interpretation. This is often done in opposition to another interpretation, which gives a nonliteral interpretation also to the first part of the phrase, where the first interpretation treated it literally.[67]

II.3. Discussion: parallels and differences between kayyān(u) *and* mamash/waddai

The use of the terms *mamash* and *waddai* shares many parallels with the use of *kayyān(u)* in Akkadian. As demonstrated above, *kayyān(u)* appears after a citation as an adverb or predicative adjective, probably not declined, at times following the infinitive of the verbal form in the commented text (which in Akkadian can act nominally as a gerund as well), and other times alone. Likewise, *mamash* and *waddai* appear after a quote as adverbs or as unconjugated predicative adjectives, at times with a simplified verbal form, occasionally a nominal form serving as the gerund, and other times alone following the commented word or phrase.

Semantically, the meaning "actual" shared by both Hebrew terms parallels the Akkadian term, which, as demonstrated above, does not mean only "regular" but also "actual." Especially illuminating is the meaning of the term *waddai*, which in other contexts may signify "true, loyal," like Akkadian *kayyān(u)* as discussed above. In commentaries, both the Hebrew and Akkadian terms can refer to the concreteness of an object – the baked brick in example 2 and the booths in example 5 – and not necessarily to its literal, or even actual meaning.

The basic use is also similar, although more elaborate in the Hebrew texts. The term *kayyān(u)* usually appears in contrast to another, nonliteral interpretation, and this is also one – and perhaps the basic – use of the terms *waddai* and *mamash*. The term *waddai* is also used when a sequence is interpreted, relat-

[65] Genesis Rabbah, *wa-yigash* 93:20 (Theodor-Albeck, 1167); cf. the translation by Neusner (1985, 3:308): "A man so reliable as Judah." See Bronsnick 2008/9, 22 with n. 8.

[66] See Rosen-Zvi, forthcoming.

[67] See Rosen-Zvi, forthcoming.

ing to the first part of the commented text, at times in opposition to a different interpretation (see example 6).[68] A similar phenomenon may occur once in an Akkadian commentary (example 1), where the term *kayyān(u)* is attested in the interpretation of a quotation divided into two parts: the first part is interpreted literally (using the term *kayyān(u)*), then the text proceeds to the second part, before a second interpretation is introduced that expounds on the meaning of the first part again.

But the terms *mamash* and *waddai* are also used in a way that is not attested in the Akkadian commentaries, namely where they refer to a potential literal understanding of the commented text, which is then rejected for various reasons. This hermeneutical rhetorical process is absent from the Akkadian texts, whose laconic character usually conceals the inner logical structure and argumentation of the exegetical procedure.[69]

The hermeneutical meaning of *mamash*/*waddai* and *kayyān(u)* as "literal"

Some interesting parallels and distinctions are seen through a similar interpretation given in three places to the word *sukkot*, "booths," which can also appear as a toponym (Succoth), using the term *mamash*.[70]

Example 8a: The first occurrence was already dealt with as example 5 above, and will only be summarized here. The commented verse, Lev 23:43, mentions the booths in which the Israelites dwelled after the exodus. The Sifra presents two opinions on this, one of Rabbi Eliezer, that these were actual (*mamash*) booths, and the other of Rabbi Akiva, that the booths here should be understood as the clouds of the divine glory. In this case, the actual booths, *sukkot*, correspond to the literal meaning of the word *sukkot* in the context of the verse.

But the same, or a very similar interpretation occurs twice more, referring to Ex 12:37 ("to Succoth"), where *sukkot* is a toponym (Succoth) in the journey of the Israelites.

Example 8b: In the Mekhilta of Rabbi Yishmael we find three interpretations of the word *sukkot* in this verse:

> "To Succoth" – They were actual booths (*sukkot mamash*); for it is written: "But Jacob journeyed on to Succoth [and built him a house and made booths (*sukkot*) for his cattle]" (Gn 33:17) – the words of Rabbi Eliezer. And the sages say: (The word) *sukkot* here is nothing but a place; for it is said: "They set out from Succoth and encamped at Etham" (Num 33:7); just as Etham is a place, so Succoth is a place. Rabbi Akiva says: (The word) *sukkot* is nothing but the clouds of glory …[71]

---

[68] It should be noted that this usage usually occurs in a more complex hermeneutical process, in order to arrive at an expansion of a text outside its immediate context; see Rosen-Zvi, forthcoming.

[69] But cf. perhaps n. 45 above.

[70] The sources and the relation between them were discussed by Sagiv 2004, 55–67.

[71] Mekhilta de-Rabbi Yishma'el, *piskha'* 14 (Horovitz-Rabin, 48). Translation based on Neusner 1988a, 1:81, with modifications.

Unlike the use of *mamash* in regard to the booths in Lev 23:43 in the previous example, where the literal, actual sense of the word was equal to its literal sense in the context (example 8a), in this instance the (hyper-)literal, actual, *mamash* interpretation of the word *sukkot* does not agree with the required usage of the word in its context, which should be understood as the toponym, as in the second interpretation.

Example 8c: Most interesting is a parallel commentary on the same verse in the Mekhilta of Rabbi Shimon bar Yohai:

> "To Succoth" – Rabbi Akiva says: They made actual booths (*sukkot mamash*) for themselves in Succoth. Rabbi Eliezer says: (the word) *sukkot* (refers to) the clouds of glory …[72]

The second interpretation in this case explains the word *sukkot* figuratively as the clouds of glory, as in the previous examples, and the first interpretation combines the (hyper-)literal basic sense of the word outside its context – "actual" booths – with the literal sense of the word in its context: the toponym Succoth.

This is reminiscent of the use of both meanings of Akkadian "enter" in the nonliteral understanding of the case of the eclipse (example 4): once it is used according to the basic literal meaning "to enter" and once according to the meaning "to set," which is appropriate for the accepted understanding of this specific context. However, unlike the Hebrew instance, the second, alternative interpretation, which refers to the accepted understanding of the case as regular setting during an eclipse, not necessarily with an actual "entering" into a cloud, is designated as *kayyān(u)*. Thus, the perception of the meaning termed as *kayyān(u)* according to the second interpretation is the opposite of that of *mamash*, since *mamash* refers to the basic narrow literal sense of *sukkot* as booths, but *kayyān(u)* refers to the accepted contextual sense, which is not necessarily the narrow basic literal sense. Thus, while the literal sense of an isolated word is usually also equal to its literal sense in a context – in which case both the Akkadian and the Hebrew terms will occur – in cases where the literal isolated sense of the term (or what would be the term's most common use in other contexts) does not equal the literal contextual sense, the Akkadian term *kayyān(u)* will refer to the contextual meaning, while the Hebrew term *mamash* will refer to the isolated meaning.

However, a closer look may show that the situation is even more complex. As noted, the term in example 8b is attached to what seems to be the literal, but not contextual meaning, since the verse obviously deals with a toponym. Still, the interpreter may wish to note that nevertheless, here Succoth is actually a place of booths (so also example 8c), and brings in support a verse from Genesis (33:17), where the toponym derives from the actual booths that were built there. Thus, according to the *mamash* interpretation, the literal understanding is supposedly

[72] Mekhilta de-Rabbi Shim'on bar Yohai 12:37 (Epstein-Melamed, 33). Translation based on Nelson 2006, 54, with modifications.

isolated from the context, which requires a toponym, yet a closer look at the evidence brought in support of this reveals also that this is not entirely isolated, but could be contextual too.[73] This is also how the Akkadian term *kayyān(u)* is used in example 3. The isolated literal meaning of the signs U.ḪA is "fish-plant" but in a medical context the conventional meaning of that combination of signs is usually "anise" (*urânu*). The commentary notes that this potential distinction between isolated and contextual meaning is not the case here, and that they are equal in this text.

III. Akkadian and Hebrew Terminology Relating to Textual Wording and Intention

III.1. The Akkadian verb qabû*, "to say," as an exegetical term*

The following section will discuss one of the lexemes most often used in Mesopotamian commentaries: the verb *qabû*, "to say." This verb appears in various forms and contexts.[74] It can refer to the wording of a text, either when introducing the commented text before its interpretation or referring to a quotation from another text that is introduced in support of the commentary. But it can also allude to the reference, intention, and even the new meaning of the text, in light of the interpretation given in the commentary.[75]

The verb *qabû* relating to a quotation from the base text

The first phrase to be dealt with here, *ša iqbû*, "which it said," is usually regarded in modern research as introducing a commentary by a scholar or a quotation from another text that occurs after the phrase.[76] But this is not so. Rather, the phrase normally follows a quote, just before a commentary on it.[77]

Example 9: In a commentary on a series of predictions about the medical condition of a patient according to observations made by the healer, the following omen is cited:

---

[73] In most other cases where the terms *mamash* and *waddai* refer to a hyperliteral understanding isolated from context, this occurs in the type of interpretation where a potential literal meaning is raised and then dismissed, a complex hermeneutical process that does not occur in the Akkadian material.

[74] It also appears, usually in the second person, as the potential speech or divinatory statement of the scholar, but this use will not be discussed here.

[75] The verb *qabû* can appear in certain phrases in an active form and in other phrases in a passive form, even though they have the same or a similar hermeneutical role. Therefore it is difficult to define this distribution according to function.

[76] See George 1991, 139; Koch-Westenholz 2000, 32; Koch 2005, 32; Frahm 2011, 108–109.

[77] Note that a dividing marker (*Glossenkeil*) never occurs before *ša iqbû* (indicating that what precedes this phrase is the main clause that serves as the content of the verb *qabû*), although it may follow this phrase.

> If he (= the healer on the way to the patient) sees a red pig – that patient will die within three months; (variant): within three days.[78]

A commentary on this omen tries to make sense of the variants "three days" and "three months":

> "If he sees a red pig – that patient will die within three months; (variant): within three days" which it said – If he is dangerously sick he will die within three days, if he is not dangerously sick – within three months.[79]

The commentary introduces the entire omen by quotation, followed by the phrase *ša iqbû*, "which it said," which refers to the text just quoted as actually "speaking" and leads to the commentary that follows. The commentary interprets the variant "three days" as referring to a severe condition and the variant "three months" to a less severe condition, which will nevertheless lead to death.[80]

The phrase *ša iqbû* can also refer back to part of the commented text introduced earlier (see example 1 above). Similarly, the phrase *ša iqbû* can refer to a reintroduction of part of a text that was quoted earlier in support of the commented text (see example 12 below).[81]

The verb *qabû* relating to a quotation from a text introduced in support of a commentary

When quoting a text in support of a commentary, the phrase (*ina* …) *qabi*, "it is said (in …)," occurs after the citation, giving the name of the composition or a general reference to the genre from which the citation was quoted.

---

[78] George 1991, 142:8.

[79] SBTU 1, 28: 9–10 (Hunger 1976, no. 28); see George 1991, 148:8.

[80] The phrase *ša iqbû* in this use can also be extended in a few ways: (1) It can add a reference to the nature of the cited text (always an omen) as favorable or unfavorable: *ša ana dumqi u lumni iqbû*(*-ma*), "which it said favorably and unfavorably" (George 1991, 146:6a; Koch-Westenholz 2000, 134, no. 19:16; 155, no. 20:24; 170, no. 20:139; 238–239, no. 42:67); *ša ana dumqi iqbû*, "which it said favorably" (Koch-Westenholz 2000, 141, no. 19:69, 72, and passim in extispicy commentaries); and *ša ana aḫīti iqbû*, "which it said unfavorably" (Koch-Westenholz 2000, 141, no. 19:71, 233; no. 42:9, 419; no. 83:17 [collated, partly restored]). (2) Similar to the previous extension of the phrase, the reference to the nature of the omen (usually unfavorable) can appear after the phrase: *ša iqbû aḫītu*, "which it said, unfavorable" (Koch-Westenholz 2000, 155, no. 20:27 and passim in extispicy commentaries; a possible reference to a favorable omen [*ša iqbû damqu*] probably occurs in Koch-Westenholz 2000, 422, no. 83, B v 5'). (3) It can add a reference to the narrow or specific context in which the cited text should be understood: *ša iqbû ina libbi ša*, "which it said, in context of" (SBTU 1, 47:14–15, 49:27–28, 50:34 [Hunger 1976, nos. 47, 49, 50]; SBTU 3, 99:26 (von Weiher 1988, no. 99); Civil 1974, 336:6–7; note that occasionally the phrase is distributed across two lines or occurs with a separation mark [*Glossenkeil*] between its two parts). (4) Similarly, it can add a reference to the context: *ša iqbû aššu*, "which it said, concerning" (Civil 1974, 332:50; Freedman 2006, 154:18–19).

[81] Note that in Neo-Assyrian and Neo-Babylonian letters, the form appears also as *ša qabû* and *ša qabûni* (with an Assyrian subjunctive marker); see SAA 8, 232:r.2, 316:6 (Hunger 1992, nos. 232, 316). In other occasions it appears as *ša iqbû* and *ša iqbûni*; see SAA 8, 57:r.1–2, 64:r.8, 80:9, 99:7, 502:6 (Hunger 1992, nos. 57, 64, 80, 99, 502).

Example 10: A commentary on a lexical text gives the reading *mermeri* for a certain sign, quoting a bilingual Sumero-Akkadian passage from a liturgical text in support:

> "(The pronunciation) '*mermeri*' (of the sign) 'EN-crossed-by-EN'" – …; secondly: *mermeri* (means) "storm (*meḫû*)": "A storm (Sumerian: me-er-me-ri // Akkadian: *meḫû*) arose, its face was covered with dust" is said (*qabi*) in the corpus of the lamentation-priest.[82]

The verb *qabû* is also used in its active sense, in similar contexts. Thus, when citing a text in favor of an interpretation but using a subordinate sentence, the verb does not always appear in the stative form (implying passiveness) but usually in the preterite form (implying activeness): *libbû … ša ina … iqbû*, "as in … which it said in …"[83]

Example 11: This is seen, for example, in a commentary on an omen text that refers to the birth of an anomalous foetus whose skull is crushed, using a rare word for "crushed":

> "Crushed" – broken … as in (the proverb): "The dripping-eyed's lap is full of clods; (he says): 'he who approaches me (saying) "Oh, eye! Give me to drink!" – I will crush him (with a clod)!,'" which it said in the series Sidu.[84]

The commentary explains the rare word "crushed" as "broken," basing its interpretation on a citation of a proverb from a series of wisdom texts, called Sidu in antiquity, that uses the same verb and serves as lexical support for the literal interpretation of this rare verb.

In both examples 10 and 11, the text is cited as support for a lexical interpretation in the commented text. The verb *qabû*, "to say," refers in these cases only to the simple wording or formulation of the text.

The verb *qabû* relating to the intention of the commented text as an external reference or a complementary clarification

Other phrases using the verb *qabû*, "to say," include *ana muḫḫi* (…) *qabi*, "it is said about (literally: on) …," and similar phrases.[85] Here the reference is to

---

[82] SBTU 2, 54:43–46 (von Weiher 1983, no. 54).

[83] The reading *ša … iqbû* (rather than *ša … qabû*) is indicated by the syllabic writing in Finkel 2005, 280:9–10, and SBTU 5, 263:6' (von Weiher 1998, no. 263). Note that when the formula appears with *libbû* but without *ša*, the stative (passive) form is maintained; see Leichty 1970, 232:3–4, and Finkel 2006, 140:16–19.

[84] The base text is preserved in SBTU 4, 142:r.12' (von Weiher 1993, no. 142). The commentary is preserved in Finkel 2006, 141:28–30. See Finkel 2006, 144–145; Gabbay 2009, 70.

[85] A shorter phrase with a similar meaning is *ana … qabi/iqabbi*, attested especially in early sources (Lambert 1954–1956, 313, commentary to B:12; KAR 94:1'–2', [3'–4'], see Frahm 2011, 384, with parallel cited on p. 388; SAA 8, 52:5–6, 114:2–3 [Hunger 1992, nos. 52, 114]; SAA 10, 42:r.9–10, 72:19–20 (Parpola 1993, nos. 42, 72); W.G. Lambert *apud* Civil 1979, 495:13(?); Freedman 2006, 151:17 // SBTU 5, 259:4' [von Weiher 1998, no. 259]). Note also

the meaning or intention of the commented text according to the commentator's interpretation of it. This can be demonstrated by the following example.

Example 12: A medical text notes the following:

> If a man, his face, his neck, and his lip(s) have enduring paralyses and they burn him like fire – that man, the demon of the lavatory has seized him.[86]

The commentary attempts to identify the demon of the lavatory mentioned in the text, and how this demon caused the sickness:

> "Demon of the lavatory" – (this is the demon called) Šulak (as in the following quotation): "He should not enter the lavatory (on a certain day) – Šulak will seize him." "Šulak" which it said (in the quotation) – (the element) "šu" (from Šulak, means) hand, (the element) "la" (means) not, (and the element) "k(ù)" (means) clean. He enters the lavatory, (so) his hands are not clean – (it) is said about (him) (= about the sick person) (*ana muḫḫi qabi*).[87]

The commentary first explains that the demon of the lavatory mentioned in the medical text is the demon called Šulak, and then quotes a passage known from various texts about unfavorable days on which it may be dangerous to enter the lavatory where the demon Šulak awaits his victim.[88] The commentator proceeds to reintroduce the word Šulak from the quoted text, using the phrase "which it said" (see above), and explains the name of the demon Šulak as a *notariqon* of "unclean hands," meaning that the paralysis demonically caused by Šulak is clinically caused by bad toilet hygiene.[89] The commentary notes that the reference to Šulak in the quoted text "is said about him," *ana muḫḫi qabi*, that is, about the patient in the medical text.[90] This is not obvious solely on the basis of the symptoms described in the text, but since the commentator attempts to medically harmonize the text, he explains the symptoms caused by the demon as a consequence of bad toilet hygiene. In fact, this explanation is not far-fetched and it is likely that this is indeed what the text intended, or at least how it was accepted and understood in antiquity, when the perception that bad toilet hygiene could cause epilepsy was maintained.[91]

Civil 1974, 332:39 // UET 6/3, 897:3': *ana … iqtabi*. Cf. perhaps also the Assyrian form in SAA 10, 104:13'–14' (Parpola 1993, no. 104): *ana … iqṭibi*.

[86] SBTU 1, 46:6–8 (Hunger 1976, no. 46); see Frahm 2011, 397–398.

[87] SBTU 8, 47:2–5 (Hunger 1976, no. 47); see Frahm 2011, 398–399.

[88] See references in Frahm 2011, 401 with n. 1880.

[89] See Geller 2010, 147–148.

[90] Other occurrences of *ana muḫḫi … qabi* are Reynolds 1999, 370:9, 11; Rochberg-Halton 1988, 284:2, 10–11, 13–14, 15, 23–24; and probably SAA 8, 502:6 (Hunger 1992, no. 502, see collation on p. 381: ⌜*qa*$^{!?}$-*bi*$^{?}$⌝).

[91] As already noted by Stol (1993, 76), the ancient Mesopotamian idea that poor hygiene in the lavatory, manifested in the demon of the lavatory, could cause seizures and paralysis, features of epilepsy, is also found in the Babylonian Talmud. In a discussion of various illnesses and their medical treatments, the Babylonian Talmud (Git 70a) notes: "A man coming from the lavatory should not have sexual intercourse until he has waited long enough (to walk) half a

Example 13: The reference can also occur in an active form with the preposition/conjunction *aššu*,[92] "concerning." For example, in the literary composition Marduk's Address to the Demons[93] there is a line that alludes to the god Marduk clad with dread and horror:

> I am Marduk, who is clothed with dread, full of fearfulness.[94]

The commentary to this text, from the Neo-Assyrian period, seeks to find the ritual realization of this epithet in cult, and gives two interpretations for this, the second of which reads:

> It said (it) concerning (*aššu … iqtabi*) the *āšipu*-priest who is equipped with a red … garment.[95]

Thus, the commentary switches the reference to the dress from the god to the priest who participates in his cult. This is surely not the literal meaning of the text, but rather an exegetical meaning achieved by theological interpretation.

The verb *qabû* relating to the supposed nonliteral intention of the text in light of the commentary

The phrase *kī qabû*, "like it is said," or *kī iqbû*, "like it said," has hitherto been only partially understood in modern research.[96] The phrase is usually read as *kīma iqbû* in modern editions and studies, but it is likely that it should actually be read as *kī iqbû*/*qabû*.[97] The phrase always appears after the commentary[98] and is usually taken to simply refer to a quotation, either of a text or of an explana-

---

mile, because the demon of the lavatory accompanies him. And if he does have intercourse, he will have epileptic children." See also Frahm 2011, 401.

[92] For *aššu … qabi*, i. e., using the passive form (stative), see KAR 94:[6'] (Frahm 2011, 385, restored according to the parallel cited on p. 388).

[93] Besides the example given below, the phrase *aššu … iqtabi* occurs a few more times in the same commentary; see Lambert 1954–1956, 313, commentary to B:13; 314, commentary to C:7, 11. One may interpret the active voice as the voice of the god Marduk speaking in the base text, but this is less likely.

[94] Lambert 1954–1956, 313, text B:6.

[95] Lambert, 1954–1956, 313, commentary to B:6, lines 4–5, with improved reading in Lambert 1959–1960, 115.

[96] See Koch-Westenholz 2000, 32; Frahm 2011, 109–110.

[97] The phrase is attested mainly in extispicy omens, where it is always written with the sign GIM; see references in Koch-Westenholz 2000, 524–525; Koch 2005, 607; cf. example 15 below. In other texts, it occurs mainly with the syllabic writing *ki*(-*i*), e. g., in examples 14, 16–17 below; Livingstone 1986, no. 28:31; SAA 3, 38:r.7, 8 (Livingstone 1989, no. 38); perhaps SAA 10, 112:r.23 (Parpola 1993, no. 112). Especially revealing is CT 13, 32+, which contains the syllabic spellings *ki* and *ki*-*i* in line 5 and r.5'–6', but the writing GIM in r.13' (cf. Matsushima 2009, 60). This would indicate a reading of the sign GIM as *kī*, although it is possible that variation also occurred (cf. also Borger 2004, 399, ad no. 686).

[98] This was recognized already by Frahm 2011, 109–110.

tion, with the meaning "as is/it said."[99] As we shall see, the phrase has a special technical meaning and use.

Example 14: A seventh-century BCE tablet from the city of Assur comments on the exorcistic composition Marduk's Address to the Demons (cf. example 13 above). The composition contains the following line:

> I am Marduk, the pure god, who dwells in splendor (Akkadian: *melammu*).[100]

The commentary interprets the word "splendor" (*melammu*) as follows:

> (The element) "me" (of *melammu*, "radiance") (means) heaven, (the element) "lam" (means) earth. "Who dwells in heaven and earth" (is) like it is said (*kī qabû*).[101]

The commented text probably referred to Marduk, who is manifest in his own splendor. The commentary seeks to interpret this phrase. Usually gods are said to be clad in splendor, or said to spread their splendor over the land, but the phrase "to dwell in splendor" does not occur elsewhere. The commentary uses a *notariqon* to introduce nonregular meanings of the elements "me" and "lam," the two components of the Akkadian noun *melammu*, "splendor" (loaned from Sumerian me-lám). They are explained as Sumerian words meaning "heaven" and "earth," very rare meanings of these words.[102] This rendering is said to exist in the text itself – "like it is said," in the words of the commentator; that is, when the text says "who dwells in splendor," it is as if "who dwells in heaven and earth" was said. Here "to say" does not refer simply to the words of the text, but rather to the (new) meaning of the words in light of the commentary.

The phrase is most often attested in commentaries on divination based on the appearance of the liver of a sacrificial sheep, where the form *kī iqbû*, "like it said" (using an active form), appears, usually together with the phrase *ša iqbû*, "which it said," discussed above. The phrase *ša iqbû* refers to a quote before the commentary, and the phrase *kī iqbû*, which appears after the commentary, refers to the meaning of the text in light of the commentary.

Example 15: A liver omen reads:

> If the "increment" (= a part of the liver, *processus papillaris*) is compressed – (this indicates) [coming of rain].[103]

A commentary lists this omen along with similar omens, all considered unfavorable, that are related to the "increment" part of the liver. However, the coming of rain in this omen is favorable, although an unfavorable omen would have been expected in this context. Therefore the commentary explains why the coming of rain may actually be considered unfavorable:

---

[99] Cf. Koch-Westenholz 2000, 32; Frahm 2011, 109–110.
[100] Lambert 1954–1956, 315, F:8.
[101] Lambert 1959–1960, 118, commentary to F:8.
[102] See Frahm 2011, 125 with n. 632.
[103] Koch-Westenholz 2000, 386, no. 72:20.

> "If the 'increment' is compressed – coming of rain" which it said (*ša iqbû*) – "coming of hail," (i. e.,) it will hail, (is) like it said (*kī iqbû*). Unfavorable.[104]

The commentary first quotes the omen, followed by the phrase *ša iqbû*, "which it said," and then proceeds to comment that the mention of rain in the text actually refers to hail. To paraphrase the commentator's terminology: "Coming of rain," which it said (*ša iqbû*) (in the omen), (is to be interpreted) as if it said (*kī iqbû*): "coming of hail." The commentator also added that this is unfavorable, in line with the other unfavorable quotations of "increment" omens that were listed.

Thus, both the phrase "which it said" and the phrase "as if (literally: like) it said" refer to the citation from the base text. The former refers to the text as uttered or written – that is, to its formulation; the latter refers to the meaning of the text according to the commentary – that is, to its intention (in the commentator's eyes), which differs from the literal meaning of the text.

Following the phrase *kī iqbû*, the commentary added a clarification of its interpretation, namely, that when the intended meaning of the text is understood as "hail" rather than "rain," the result is an unfavorable omen, like the others in the collection in which the omen appears. This phenomenon – adding a clarification after the interpretation of the intention of the text – is also found where the hermeneutical process leading to the explanation of the intention of the text is given, as will be demonstrated in the next example.

Example 16: A commentary on epithets of the god Zababa begins with a quote and proceeds with commentary:

> "Crusher of stones, Zababa" – "[ston]e(?)":[105] "Corpse-star" (is) like it (is) said. [Corpse-st]ar – the corpse of the Asakku demon, stone (is) Asakku.[106]

Here the commentary notes that the intended meaning of the commented text when it says "stones" is actually the "Corpse-star" (an unidentified star or constellation). The commentary explains that the Corpse-star represents the corpse of the Asakku demon, who was mythologically defeated by the god Zababa (or another manifestation of the god Ninurta). According to Mesopotamian mythology the demon Asakku was realized as stones. Therefore the stones in the text equal the Corpse-star.[107]

Thus, the phrase *kī iqbû*/*qabû* itself does not represent an exegetical procedure, but rather its result. The phrase is a reference to the intention of the text as understood by the interpreter – at times different from its wording – which was achieved by implied or explicit exegesis.

---

[104] Koch-Westenholz 2000, 421, no. 83:36.

[105] It is not improbable that *aššu*, "concerning," should actually be restored here, and not "stone"; see below.

[106] Lambert 1989, 216:3–5. Cf. also lines 8 and 14 of the same text.

[107] See Lambert 1989, 218.

Lastly, there is also a by-form of the hermeneutical process of identifying the intention of the text with "like it (is) said, " namely *aššu … kī qabû*, "it is like it is said concerning …"[108] In this phrase, the verb "to say" may not refer to the content of the interpretation (i. e., what the text supposedly said), but possibly refers to the context of the base text, indicating that this was supposedly said concerning something or someone else.

Example 17: A medical text describes the following symptoms of a person who has suffered a stroke:

> If a man has a stroke of the face, he winks his eye, day and night …, he cannot sleep, he does not stop to rub his face with syrup and butter …[109]

A commentary to this text notes:

> "rub" – smear, as if it is said concerning the lore of the *āšipu*-priest.[110]

Here the commentator equates two synonyms, so that the use of the verb would fit the vocabulary used for medical rubbing or smearing in healing texts concerned with the *āšipu*-priest,[111] in order to connect this medical text to the lore of the *āšipu*-priest.[112] It is likely that this interpretation indicates that the act of the patient in the base text is transferred from the patient to the healer, and that smearing syrup and butter actually refers to part of the treatment by the *āšipu*-priest. The commentary attempts to find the textual intention, i. e., that although one word was used, it is as if another word (or context) was intended, here relating to a word taken from the professional vocabulary of the *āšipu*-priest. The phrase *kī qabû*, "as if it said," probably refers directly to the words of the commented text, but notes that this should be understood as if something else was said, and explains the context of this intention (*aššu …*).

The phrase "it is like it (is) said concerning" (*aššu … kī qabû*/*iqbû*) is especially revealing in comparison to the form "it is said concerning …" (see above, with example 13). There is a difference between "it is said concerning …" and "it is like it is said concerning" (or in paraphrase: "it is said as if it concerns …"). The first notes that the interpretation is actually what the wording of the text says (even if this is not its literal meaning), while the second would seem to refer to the intention of the text according to the commentator rather than its wording, with an awareness of the gap between them.

---

[108] Besides the example below, the phrase is also found in CT 13, 32+:5, r.5', 6', 13' (cf. Matsushima 2009, 60).

[109] SBTU 1, 46:16–19 (Hunger 1976, no. 46); Frahm 2011, 397.

[110] SBTU 1, 47:10–11 (Hunger 1976, no. 47); Frahm 2011, 398.

[111] Finkel 1991; Böck 2007.

[112] Note that my interpretation of the commentary differs from the one proposed by Frahm (2011, 402).

Intention in Akkadian sources using the verb *qabû*

A fundamental assumption of the interpretative process is that the formulation of the text as understood by the reader or commentator does not always fully agree with its original meaning or intention, creating a gap between the way the text is perceived by the interpreter and the way it was perceived by its composer. In the Akkadian sources we find the text "speaking" both according to its wording and according to its intention. Speaking according to the wording occurs when a text is quoted, either the base text or a source introduced in support of an exegetical argument, usually – as expected in the case of a text cited for its wording – for lexical reasons. Speaking according to intention, on the other hand, occurs when the text is said to refer to something or someone not necessarily found in the literal sense of the wording of the text, or when an exegetical meaning of the text is referred to. Thus, when the verb *qabû* appears with prepositions meaning "about," "on," and "to" (*aššu*, *ana muḫḫi*, *ana*), it refers to the context and intention of the text regarding a reference or clarification that is not necessarily present in the wording of the text. This intention may be implied by the literal meaning of the wording of the text or may be recovered only by an exegetical procedure. When the latter is the case, there is a gap between the literal wording of the text and the intention that is attributed to it, a gap that is not addressed by the commentator. But when the verb "to say" appears with the conjunction "like" (*kī*), we do find an awareness of the gap between the wording of the text and its exegesis: when the text says something (in its wording), it is as if it says something else, referring to its intention. Unlike the previous case, where the exegetical intention was said to be equal to the literal meaning of the wording of the text (and at times it indeed is), in the phrase "like it (is) said" (*kī iqbû*/*qabû*) the wording of the text is still kept in mind, but the exegetical term "like it (is) said" states that nevertheless, it is as if it said something else – namely, the intention of the text.

II.2. The Hebrew verb amar *as an exegetical term (especially in the Dead Sea Scrolls)*

The complex use of the verb "to say" is also found in early Hebrew exegetical literature. In the Mishnah and in midrash we find two ways of referring to a quoted text, either the commented text or a text introduced in support of the commentary: with the passive form *ne'emar* (or rarely: *amur*), or with an active form, the participle *omer* or the feminine perfect *amrah* (referring to Torah), as well as other verbs of speech.[113]

[113] See Bacher 1899, 5–6; Metzger 1951; Yadin 2004, 13–26.

The verb *amar* can also refer to the reference or intention of Scripture as well. Thus, by using *amar* with the preposition *'al*, the commentator demonstrates that a text (although not necessarily the base text) refers to an object discussed in the commentary.[114] As demonstrated by Yadin, when the subject of the verb *amar* is *ha-katuv*, "the written ('Scripture')," the reference is to the intention or interpretation of the text and not to the wording of the text as a quotation.[115]

But my emphasis in this section will be on two phrases from the much earlier Hebrew exegesis found in sectarian literature from Qumran. In the *pesher* literature from the Dead Sea Scrolls and in the Damascus Document, known from the Cairo Genizah and the Dead Sea Scrolls, we find a technical term for quotation and requotation of the commented text, namely, the phrase *asher amar*, "which he said," with variants *we-asher amar* and *ka-asher amar*.[116] This is the phrase most commonly used to introduce a quotation before an interpretation in the Damascus Document.

Example 18: In the *pesher* literature, the phrase *asher amar* is often used to reintroduce part of a text quoted and interpreted earlier, for the purpose of advancing a specific new interpretation. For example, in the Habakkuk Pesher:

> "Right suddenly will your c[red]itors arise and those who remind you will awake, and you will be despoiled by them. Because you plundered many nations, all surviving peoples shall plunder you" (Hab 2:7–8). – The inter[pretation of the matter] concerns the priest, who rebelled … ; and that which he said (*we-asher amar*): "Because you plundered many nations, all surviving peoples shall plunder you" – its interpretation concerns the last priests of Jerusalem, who amass wealth and profit from the plunder of the peoples; but in latter days their wealth together with their plunder will be given into the hand of the army of the *Kittim* (= the Romans); for they are "all surviving peoples."[117]

The *pesher* interprets the verse from the book of Habakkuk as referring to the "evil priest" who acted sinfully. Then the text returns to the quotation with the formula *we-asher amar*, requoting only the last part of the verse, and then interpreting it.

But there is also another term: *ki hu' asher amar*, "for that is what he said." This phrase also introduces a quotation, but one that follows the interpretation rather than preceding it. It occurs three times in the Habakkuk Pesher and twice in the Damascus Document. In the former, the quote attached to this phrase is often a requotation of a text cited and interpreted earlier.[118]

---

[114] Bacher 1899, 5.

[115] Yadin 2004, 26–33.

[116] Fitzmyer 1960–1961; cf. Burrows 1952; Nitzan 1986, 8–10; Bernstein 1994; Lust 1998.

[117] *Pesher Habakkuk* (1QpHab), XIII:13–IX:7; translation according to Horgan 2002, 174–177, with slight modifications.

[118] Burrows 1952; Nitzan 1986, 8–10; Bernstein 1994, 35–36.

Example 19: The following interpretation quotes two verses from the book of Habakkuk and interprets them as alluding to the Romans:

> "Their horses are swifter than leopards, fleeter than wolves of the steppe. Their steeds gallop and spread, come flying from afar. Like vultures rushing toward food, they all come, bent on rapine. The thrust of their faces is forward" (Hab 1:8–9). – Its inter[pretation] concerns the *Kittim* (= the Romans), who trample the land with [their] horses and with their beasts … And with rage th[ey] gr[ow hot, and with] burning anger and fury they speak with all […; fo]r this is what he said ([*k*]*i' hu' asher amar*) "[the thrust of their faces] is [forward]."[119]

The text begins with a quote from the book of Habakkuk and offers a *pesher*-solution to it. It then reintroduces the last words from the quote. This requotation, which follows the interpretation, serves to ground the interpretation's reference to the rage of the enemy in a specific phrase from Habakkuk; as Bilha Nitzan suggests, the interpreter probably understood the word *qadim*, "forward," as a hot, wrathful wind, and *peneyhem*, "their faces," as *appim*, which in the context of wrath can mean anger.[120] In any case, since some exegesis was necessary, the text asserts that this is actually what the verse meant – "for this is what he said," *ki hu' asher amar*.

Example 20: Similarly, we find the phrase *ki hu' asher amar* introducing support for an argument in the Damascus Document, for example:

> Let no man do work on the sixth day from the time when the sphere of the sun is distant from the gate by its fullness; for that is what he said: "Observe the Sabbath day and keep it holy" (Dt 5:12).[121]

Here, the relevance of the quoted verse to the argument is not obvious when it is understood literally. It is likely that the citation from Deuteronomy implies an interpretation of the word "observe" (as opposed to "remember" in the parallel in Ex 20:8) as meaning the keeping of Shabbat also in its additional time, an exegesis known also from rabbinic sources.[122]

In these instances we find the phrase *ki hu' asher amar* supporting the previous explanation by introducing a verse whose relevance to the situation is rooted in a specific interpretation. In neither case is the hermeneutic process resulting in that interpretation explicitly stated. But *ki hu' asher amar* may also be used to introduce a text along with an explanation of its exegesis.

Example 21: In one instance in the Habakkuk Pesher, the *pesher*-interpretation that follows the verse re-cited in support of the previous interpretation explains why that verse supports the argument:

---

[119] *Pesher Habakkuk* (1QpHab), III:6–14; translation according to Horgan 2002, 164, with slight modifications.

[120] See Nitzan 1986, 68–69, 160.

[121] CD 10:14–17; translation according to Baumgarten and Schwartz 1995, 46–47.

[122] See Schiffman 1975, 84–87.

> ["You, O Lord, are from everlasting. My holy God we never die. O Lord], you have made them a subject of contention; O Rock, you have made them a cause for complaint. (You) whose eyes are too pure to look upon evil, who cannot countenance wrongdoing" (Hab 1:12–13) – The interpretation of the matter is that God will not destroy his people by the hand of the nations, but into the hand of the chosen God will give judgment of all the nations. And by means of their rebuke all the wicked ones of his people will be convicted (by those) who have kept his commandments, for that is what he said (*ki hu' asher amar*): "whose eyes are too pure to look upon evil" – its interpretation: that they did not whore after their eyes in the time of wickedness.[123]

Here, the second interpretation, given at the end of the passage, is actually an explanation or clarification of the earlier commentary, since it is not obvious how the words "too pure to see evil" refer to the chosen ones observing the commandments. Therefore the phrase is explained as referring to those who did not whore after their eyes.

Intention and wording in the Dead Sea scrolls

The phrases *asher amar* and *ki hu' asher amar* refer to the wording and intention of the text respectively.[124] The phrase *asher amar* introduces the neutral citation of the formulation of the text before its interpretation, which begins with *pishro*, "its solution," or *pesher ha-davar*, "the solution of the matter." Therefore, in the *pesher* literature, when a passage is requoted using the phrase *we-asher amar*, it is necessary to begin a new interpretation using the introductory phrase *pishro*. The phrase *ki hu' asher amar*, on the other hand, does not only quote the text; it relates to the intention of the text. It notes that the interpretation given before its appearance is actually the intention, or at least one intention, of the text. It serves in itself as support for the interpretation and therefore carries an exegetical sense as well, relating to the intention of the text as the commentator understood it, and not only to the neutral wording of the text.

III.3. Discussion: Parallels and differences between the Akkadian and Hebrew phrases referring to textual wording or intention

Akkadian *qabû* and Hebrew *amar* are the most frequently used verbs in exegetical terminology in Akkadian and Hebrew commentaries respectively.[125] This in itself is of course not surprising; the verb "to say" is expected in this context and

---

[123] *Pesher Habakkuk* (1QpHab), IV:16–V:8; translation according to Horgan 2002, 166–169, with slight modifications.

[124] For studies on the syntax, meaning, and hermeneutical role of the passages containing these phrases, see Burrows 1952; Dimant 1992.

[125] The Hebrew sources also frequently use the form *katuv*, "written." I know of only one Akkadian commentary that uses the cognate *šaṭāru* (with the form *šaṭir*, "written"), namely CT 41, 39:6, 8.

indeed is used in the exegesis of other cultures as well. Noteworthy is the specific use of the verb and its role in both corpora, namely the use of the passive forms *ne'emar* (and *amur*) and *qabi* for citation of a verse, phrase, or passage,[126] as well as the use of the preposition "about" (Hebrew *'al* and Akkadian *ana muḫḫi* and similar) to link the verb to a specific citation (at times with exegesis).

But a closer Hebrew parallel to Akkadian use of the verb "to say" in exegetical contexts is found in the sectarian literature. As noted, the *pesher* literature and the Damascus Document contain two main phrases for textual reference that include the verb *amar*: the very frequent *asher amar*, "which he said," already noted by Eckart Frahm as a parallel of Akkadian *ša iqbû*,[127] and the quite rare *ki hu' asher amar*, "for it is that which he said," which parallels Akkadian *kī iqbû*. Both the Akkadian and Hebrew terms use the regular verb for "speak" – *qabû* and *amar* respectively – mostly in the active third-person singular masculine form in the "past tense" (Hebrew perfect, Akkadian preterite). In both cases, the phrases appear in a subordinate clause, in Hebrew with the relative pronoun *asher* in both phrases, and in Akkadian using the cognate relative pronoun *ša* in the first case and only *kī*, the etymological cognate of Hebrew *ki*, in the second, since in Akkadian, unlike Hebrew, such clauses do not require the addition of the relative pronoun.[128] However, the meaning of *kī* in both phrases is different: the Hebrew form has a causal-explanatory use, while the Akkadian *kī* has a comparative use.

But there is also another similarity. The phrases in both languages appear in the same context and position within commentary. The phrases that use the relative pronoun – *ša iqbû* and *asher amar* – appear with a quotation or a requotation as their direct object,[129] in Hebrew before the quotation and in Akkadian following it, in accordance with the syntax of the two languages. In both literatures, an interpretation follows. The phrases that use the conjunction – *kī iqbû* and *ki hu' asher amar* – refer to the base text as well. They both appear after the

[126] Note that verses could be introduced also without the verb "to say" or any other verb. In fact, this is often the case in the better manuscripts of the halakhic midrash compositions; see Kahana 1982, 150–151. Similarly, phrases or lines from compositions introduced in support of a commentary are often cited without the verb *qabû*; cf. Frahm 2011, 108.

[127] Frahm 2011, 375.

[128] For studies of various subordinate constructions in the Neo-Babylonian dialect, see Dietrich 1969 and Hackl 2007.

[129] The implications of this phenomenon regarding canonization and scripture will not be addressed here. One interesting parallel phenomenon is the replacement of a word, usually a proper name, and especially a divine name, with conjugated verbs and pronouns. While in Qumran the divine name may be written in the Paleo-Hebrew script, or replaced with four dots, on rare occasions it is omitted and replaced by a conjugated verb or an added suffix, or by the pronoun *hu'ah*, "he" (see Rösel 2000, 601; cf. also Skehan 1980, 39 n. 2). A similar interesting case is found in an Akkadian commentary where a quotation omits the god Marduk as the subject of a sentence and represents the direct object by a suffix; see Finkel 2006, 140:11, 142; cf. Frahm 2011, 102–103, who raises the possibility that this may be due to theological reasons (but this is uncertain).

commentary and relate to the intention or meaning of the quoted text in light of the commentary. But there is also a difference: in the Akkadian phrase *kī iqbû*/*qabû*, this reference is to the new meaning. The quotation is not repeated and the content communicated by the verb *qabû* is the new reading of the text in light of the interpretation. In Hebrew, part of the text is requoted, implying the interpretation it underwent.[130]

In both the Akkadian commentaries and the Dead Sea Scrolls the phrases *kī iqbû*/*qabû* and *ki hu' asher amar* refer to the intention of the text. However, there is a difference between the two corpora in their understanding of the relationship between literal meaning and interpretation. The texts from the Dead Sea Scrolls, when arguing "for that is what he said," i. e., that the given interpretation was the intention of the quoted text, actually assert that through the process of interpretation, the intention of the text is shown to be equal to its wording. In the Akkadian case, when using the phrase "like it said" there is an awareness that the literal meaning of the text is not equal to the intention derived by interpretation, but rather that it is likened to it, addressing the inherent gap between the literal sense of the wording of the text and its intention expressed by the interpretation.

IV. Conclusions

This article demonstrated how literal and nonliteral interpretations are distinguished through two sets of terms, the first relating to the literal sense, and the second relating to the intention of the text, which at times does not agree with the literal sense of the wording of the text. We have seen that the terms for "literal" in Akkadian and Hebrew are very similar semantically, syntactically, and functionally, but that they differ in their perception of the relation between the literal sense of a lexeme standing alone vis-à-vis its literal sense in its context. Concerning textual intention, we have seen that semantically and structurally the phrases related to textual wording and textual intention in Akkadian and in the Hebrew of the Dead Sea Scrolls are very similar, but that the reflexive notion of the gap between the wording of a text and its intention that is found in the Mesopotamian material is absent from its Hebrew parallel.

It is likely that various scholastic societies would have a concept of literal meaning, but the expression of this concept would vary among these cultures. The similar use, syntax, and semantics of the Akkadian term *kayyān(u)* and the Hebrew terms *mamash* and *waddai* is due, in my opinion, to their origin in the

[130] However, in the by-form *aššu … kī qabû* (see example 17), the content communicated by the verb *qabû* may not be the new meaning but rather the original base text, referred to elliptically, with the intention of the text emphasized by the phrase *aššu*, "concerning." This parallels the reference in the Hebrew text, which is to the commented text, requoting it and indicating its intention.

same cultural milieu. Therefore, I would suggest that this is not simply a parallel phenomenon, but rather an indication of cultural contact between the Hebrew and Mesopotamian cultures. Thus, *mamash* and *waddai* are perhaps not simply parallels to Akkadian *kayyān(u)*, but rather loan translations from Akkadian into Hebrew. Similarly, the parallelism both in phraseology and in the position within the text of the terms *ša iqbû* / *kī iqbû* and *asher amar* / *ki hu' asher amar* may imply contact or borrowing. Hebrew *asher amar* can be interpreted as a calque from Akkadian *ša iqbû*, and Hebrew *ki hu' asher amar* is very closely related to Akkadian *kī iqbû*.[131] Of course, after the Akkadian phrases were adopted as loan translations, they may have gone through various changes and developments within Hebrew literature.

This hypothesis gives rise to historical problems: How and where could such contacts have occurred? In my opinion, it is possible that the terms discussed in this article, and the perceptions lying behind them, were transmitted while Judean scribes were in Babylonia before returning to Zion during the Persian period.[132] There is no direct evidence for this, and there is a temporal gap of a few hundred years and a geographical gap of a few hundred kilometers between the time and place in which this encounter supposedly occurred and the time and place in which the phrases are first attested as exegetical terms in midrashic literature. Still, the absence of documentation does not mean that such an encounter never occurred.[133] Perhaps the fact that the terms *waddai*/*mamash* and (*ki hu'*) *asher amar* are attested especially in early Hebrew commentaries, and later abandoned or replaced by other terminology, is an indication of their early introduction into the Hebrew exegetical system. Our own encounter with these terms may reflect the last stages of their existence.

---

[131] Note that the use of *kī* in both corpora is not the same. This is the only word that is shared (etymologically and phonologically) in both languages and therefore it could have been adjusted to its more common meaning in Hebrew.

[132] This does not necessarily point to a single channel of transmission. The different nature of both corpora may indicate two modes of transmission. The correspondences with the *pesher* literature may belong to a wider phenomenon of the transmission of concepts and terms related to divination into early Hebrew literature, especially the Dead Sea Scrolls. Thus, the word *pesher* itself is connected to, and probably borrowed from, the Akkadian term *pišru*, which is used for interpretations of natural phenomena as ominous features (see Gabbay 2012, 298). Another Akkadian divinatory term that may have entered Hebrew is *alaktu*, "oracular decision" → *halakhah* (see Abusch 1987; an earlier loan in this field may be *têrtu* → *torah*, cf. Abusch 1987, 40; Frahm 2011, 22 n. 79). The nature of the *pesharim* as interpretations of oracular sayings or presages also shows correspondences with Mesopotamian divination (cf. Rabinowitz 1972–1975; Nissinen 2009; Gabbay 2012, 298–308). Of course, *ša iqbû* and *kī iqbû* are exegetical terms, related to a text and not to phenomena, and they were not borrowed directly but rather translated as *asher amar* and *ki hu' asher amar*; but at least regarding the term *kī iqbû*, it is noteworthy that this phrase occurs mostly in omen texts (extispicy). Correspondences between Akkadian commentaries and the midrashic literature may indicate a different channel of transmission, that of scholarly discourse and study; see Gabbay 2012, 308–310.

[133] Cf. on this subject also Abusch 1987, 41–42.

Bibliography

Abusch, I. T. 1987. "Alaktu and Halakhah: Oracular Decision, Divine Revelation." *Harvard Theological Review* 80:15–42.

Bacher, W. 1899. *Die exegetische Terminologie der jüdischen Traditionsliteratur*, vol. 1: *Die bibelexegetische Terminologie der Tannaiten*. Leipzig: J. C. Hinrichs. Reprint,with part 2, Hildesheim: G. Olms, 1965.

Baumgarten, J. M. 2000. "Damascus Document." In Schiffman and VanderKam 2000, 166–170.

Baumgarten, J. M., and D. R. Schwartz. 1995. "Damascus Document." In *The Dead Sea Scrolls: Hebrew, Aramaic, and Greek Texts with English Translations*, vol. 2, *Damascus Document, War Scroll, and Related Documents*, edited by J. H. Charlesworth, 4–57. Tübingen: J. C. B. Mohr (Paul Siebeck); Louisville, KY: Westminster/John Knox Press.

Bernstein, M. J. 1994. "Introductory Formulas for Citation and Re-Citation of Biblical Verses in the Qumran Pesharim: Observations on a Pesher Technique." *Dead Sea Discoveries* 1:30–70.

–. 2000. "Pesher Habakkuk." In Schiffman and VanderKam 2000, 647–650.

Berrin, S. L. 2000. "Pesharim." In Schiffman and VanderKam 2000, 644–647.

Böck, B. 2007. *Das Handbuch Muššu'u "Einreibung": Eine Serie sumerischer und akkadischen Beschwörungen aus dem 1. Jt. von Chr.* Biblioteca del Próximo Oriente Antiguo 3. Madrid: Consejo Superior de Investigaciones Científicas.

Borger, R. 2004 *Mesopotamisches Zeichenlexikon*. Alter Orient und Altes Testament 305. Münster: Ugarit-Verlag.

Bronsnick, N. M. 2008/9. "The Term 'Vaday,' and Its Usage as a Metaphor for Hashem" [Hebrew with English summary]. *Ha-ma'ayan* 49 (1):19–28. English summary, iv.

Burrows, M. 1952. "The Meaning of *'šr 'mr* in DSH." *Vetus Testamentum* 2:255–260.

Cavigneaux, A. 1982. "Remarques sur les commentaries à Labat TDP 1." *Journal of Cuneiform Studies* 34:231–241.

–. 1987. "Aux sources du Midrash: l'herméneutique babylonienne." *Aula Orientalis* 5:243–255.

Charlesworth, J. H., ed. 2002. *The Dead Sea Scrolls: Hebrew, Aramaic, and Greek Texts in English Translations*, vol. 6b, *Pesharim, Other Commentaries, and Related Documents*. Tübingen: J. C. B. Mohr (Paul Siebeck); Louisville, KY: Westminster/John Knox Press.

Civil, M. 1974. "Medical Commentaries from Nippur." *Journal of Near Eastern Studies* 33:329–338.

Civil, M., with the collaboration of M. W. Green and W. G. Lambert. 1979. *Ea A = nâqu, Aa A = nâqu with their Forerunners and Related Texts*. Materials for the Sumerian Lexicon 14. Rome: Pontificium Institutum Biblicum.

Dietrich, M. 1969. "Untersuchungen zur Grammatik des Neubabylonischen. 1. Die neubabylonischen Subjunktionen." In *lišān mitḫurti: Festschrift Wolfram Freiherr von Soden zum 19.VI.1968 gewidmet von Schülern und Mitarbeitern*, edited by W. Röllig and M. Dietrich, Alter Orient und Altes Testament 1, 65–99. Kevelaer: Butzon u. Bercker; Neukirchen-Vluyn: Neukirchener Verlag.

Dimant, D. 1992. "The Hebrew Bible in the Dead Sea Scrolls: Torah Quoatation in the *Damascus Covenant*" [Hebrew with English summary]. In *"Sha'arei Talmon": Studies*

in the Bible, Qumran, and the Ancient Near East Presented to Shemaryahu Talmon, edited by M. Fishbane and E. Tov, 113*–122*. English summary, xx–xxi. Winona Lake, IN: Eisenbrauns.

Finkel, I. L. 1988. "Adad-apla-iddina, Esagil-kīn-apli, and the Series SA.GIG." In *A Scientific Humanist: Studies in Memory of Abraham Sachs*, edited by E. Leichty, M. deJ. Ellis, and P. Gerardi, Occasional Publications of the Samuel Noah Kramer Fund 9, pp. 143–159. Philadelphia: Samuel Noah Kramer Fund, The University Museum.

–. 1991. "Muššu'u, Qutāru, and the Scribe Tanittu-Bēl." In *Velles Paraules: Ancient Near Eastern Studies in Honor of Miguel Civil on the Occasion of His Sixty-Fifth Birthday*, edited by P. Michalowski et al., special issue, *Aula Orientalis* 9:91–104.

–. 2005. "No. 69: Explanatory Commentary on a List of Materia Medica." In *Literary and Scholastic Texts of the First Millennium B. C.*, edited by W. G. Lambert and I. Spar, Cuneiform Texts in the Metropolitan Museum of Art 2, 279–283. New York: The Metropolitan Museum of Art.

–. 2006. "On an Izbu VII Commentary." In Guinan et al. 2006, 139–148.

Fitzmyer, J. A. 1960–1961. "The Use of Explicit Old Testament Quoatations in Qumran Literature and in the New Testament." *New Testament Studies* 9:297–333. Reprinted in J. A. Fitzmyer, *A Wandering Aramean: Collected Aramaic Essays*, Missoula, MT: Society of Biblical Literature, 1979, 3–58; and J. A. Fitzmyer, *The Semitic Background of the New Testament: Combined Edition of Essays on the Semitic Background of the New Testament and A Wandering Aramean: Collected Aramaic Essays*, Grand Rapids, MI: Eerdmans; Livonia, MI: Dove Booksellers, 1997, 3–58.

Fraade, S. D. 1999. " 'Comparative Midrash' Revisited: The Case of the Dead Sea Scrolls and Rabbinic Midrash." In *Agendas for the Study of Midrash in the Twenty-first Century*, edited by M. L. Raphael, 4–17. Willamsburg, VA: Dept. of Religion, College of William and Mary.

Frahm, E. 2011. *Babylonian and Assyrian Text Commentaries: Origins of Interpretation*. Guides to the Mesopotamian Textual Record 5. Münster: Ugarit-Verlag.

Freedman, S. M. 2006. "BM 129029: A Commentary on Snake Omens." In Guinan et al. 2006, 149–166.

Gabbay, U. 2009. "Some Notes on an Izbu Commentary." *Nouvelles Assyriologiques Brèves et Utilitaires* 2009/53:69–71.

–. 2012. "Akkadian Commentaries from Ancient Mesopotamia and Their Relation to Early Hebrew Exegesis." *Dead Sea Discoveries* 19:267–312.

Geller, M. J. 2010. *Ancient Babylonian Medicine: Theory and Practice*. Chichester, West Sussex, U. K.: Wiley-Blackwell.

George, A. R. 1991. "Babylonian Texts from the Folios of Sidney Smith, Part Two: Prognostic and Diagnostic Omens, Tablet I." *Revue d'Assyriologie* 85:137–163.

Guinan, A. K., M. de J. Ellis, S. M. Freedman, M. T. Rutz, L. Sassmannshausen, S. Tinney, and M. W. Waters, eds. 2006. *If a Man Builds a Joyful House: Assyriological Studies in Honor of Erle Verdun Leichty*. Cuneiform Monographs 31. Leiden: Brill.

Hackl, J. 2007. *Der subordinierte Satz in den spätbabylonischen Briefen*. Alter Orient und Altes Testament 341. Münster: Ugarit.

Horgan, M. P. 2002. "Habakkuk Pesher (1QpHab)." In Charlesworth 2002, 157–185.

Hunger, H. 1976. *Spätbabylonische Texte aus Uruk, Teil I*. Ausgrabungen der Deutschen Forschungsgemeinschaft in Uruk-Warka 9. Berlin: Mann.

–. 1992. *Astrological Reports to Assyrian Kings*. State Archives of Assyria 8. Helsinki: Helsinki University Press.

Jastrow, M. 1903. *A Dictionary of the Targumim, the Talmud Babli, Yerushalmi, and the Midrashic Literature*. London: Luzac and Co.; New York: G. P. Putnam's Sons.

Kaddari, M. Z. 1978. "ודאי (בודאי) in M(ishnaic) H(ebrew)" [Hebrew with English summary]. In *Studies in Bible and the Ancient Near East Presented to Samuel E. Loewenstamm on His Seventieth Birthday*, 2 vols., edited by Y. Avishur and J. Blau, 1:383–395. English summary, 2:201. Jerusalem: E. Rubinstein.

Kahana, M. I. 1982. "Prolegomena to a New Edition of the Sifre on Numbers" [Hebrew]. Ph.D. dissertation, Hebrew University.

–. 2006. "The Halakhic Midrashim." In *The Literature of the Sages, Second Part: Midrash and Targum, Liturgy, Poetry, Mysticism, Contracts, Inscriptions, Ancient Science, and the Languages of Rabbinic Literature*, edited by S. Safrai et al., 3–105. Assen: Van Gorcum; Philadelphia: Fortress.

Kister, M. 1998. "A Common Heritage: Biblical Interpretation at Qumran and Its Implications." In *Biblical Perspectives: Early Use and Interpretation of the Bible in Light of the Dead Sea Scrolls. Proceedings of the First International Symposium of the Orion Center for the Study of the Dead Sea Scrolls and Associated Literature, 12–14 May, 1996*, edited by M. E. Stone and E. G. Chazon, Studies on the Texts of the Desert of Judah 28, 101–111. Leiden: Brill.

Koch, U. S. 2005. *Secrets of Extispicy: The Chapter Multābiltu of the Babylonian Extispicy Series and Niṣirti bārûti Texts mainly from Aššurbanipal's Library*. Alter Orient und Altes Testament 326. Münster: Ugarit-Verlag.

Koch-Westenholz, U. 1999. "The Astrological Commentary *Šumma Sîn ina tāmartīšu* Tablet 1." In *La sciences des cieux: Sages, mages, astrologues*, edited by R. Gyselen, Res Orientales 12, 149–165. Bures-sur-Yvette: Groupe pour l'étude de la civilisation du Moyen-Orient.

–. 2000. *Babylonian Liver Omens: The Chapters Manzāzu, Padānu and Pān tākalti of the Babylonian Extispicy Series mainly from Aššurbanipal's Library*. Copenhagen: Carsten Niebuhr Institute of Near Eastern Studies, University of Copenhagen; Museum Tusculanum Press.

Lambert, W. G. 1954–1956. "An Address of Marduk to the Demons." *Archiv für Orientforschung* 17:310–321.

–. 1959–1960. "An Address of Marduk to the Demons: New Fragments." *Archiv für Orientforschung* 19:114–119.

–. 1989. "A Late-Babylonian Copy of an Expository Text." *Journal of Near Eastern Studies* 48:215–221.

Landsberger, B. 1964. "Einige unerkannt gebliebene oder verkannte Nomina des Akkadischen." *Die Welt des Orients* 3:48–79.

Langdon, S. 1912. *Die Neubabylonischen Königsinschriften*. Translated by R. Zehnpfund. Vorderasiatische Bibliothek 4. Leipzig: J. C. Hinrichs.

–. 1916. "Assyrian Grammatical Texts." *Revue d'Assyriologie* 13:27–34.

Largement, R. 1957. "Contribution à l'etude des asters errants dans l'astrologie chaldéenne (1)." *Zeitschrift für Assyriologie* 52:235–264.

Leichty, E. 1970. *The Omen Series Šumma Izbu*. Texts from Cuneiform Sources 4. Locust Valley, NY.

Lieberman, S. J. 1987. "A Mesopotamian Background for the So-Called *Aggadic* 'Measures' of Biblical Hermeneutics?" *Hebrew Union College Annual* 58:157–225.

Livingstone, A. 1986. *Mystical and Mythological Explanatory Works of Assyrian and Babylonian Scholars*. Oxford: Clarendon Press.

–. 1989. *Court Poetry and Literary Miscellanea*. State Archives of Assyria 3. Helsinki: Helsinki University Press.

Lust, J. L. 1998. "Quotation Formulae and Canon in Qumran." In *Canonization and Decanonization: Papers Presented to the International Conference of the Leiden Institute for the Study of Religions (Lisor), Held at Leiden, 9–10 January 1997*, edited by A. van der Kooij and K. van der Toorn, Studies in the History of Religions (Numen Book Series) 82, 67–77. Leiden: Brill.

Matsushima, E. 2009. "Quelques notes sur l'épisode des 'cinquante noms de Marduk.'" In *Et il y eut un esprit dans l'Homme: Jean Bottéro et la Mésopotamie*, edited by X. Faivre, B. Lion, and C. Michel, 55–64. Paris: De Boccard.

Maul, S. M. 2009. "Die Lesung der Rubra DÙ.DÙ.BI und KÌD.KÌD.BI." *Orientalia*, n.s., 78:69–80.

Metzger, M. 1951. "The Formulas Introducing Quotations of Scripture in the NT and the Mishnah." *Journal of Biblical Literature* 70:297–307.

Naeh, S. 1989. "The Tannaic Hebrew in the Sifra according to Codex Vatican 66" [Hebrew]. Ph.D. dissertation, Hebrew University of Jerusalem.

Nelson, W. D. 2006. *Mekhilta de-Rabbi Shimon bar Yohai: Translated into English, with Critical Introduction and Annotation*. Philadelphia: Jewish Publication Society.

Neusner, J. 1985. *Genesis Rabbah: The Judaic Commentary on Genesis: A New American Translation*. 3 vols. Brown Judaic Studies 104–106. Atlanta: Scholars Press.

–. 1988a. *Mekhilta according to Rabbi Ishmael: An Analytical Translation*. Brown Judaic Studies 154. Atlanta: Scholars Press.

–. 1988b. *Sifra: An Analytical Translation*. Brown Judaic Studies 138. Atlanta: Scholars Press.

Nissinen, M. 2009. "Pesharim as Divination: Qumran Exegesis, Omen Interpretation and Literary Prophecy." In *Prophecy after the Prophets? The Contribution of the Dead Sea Scrolls to the Understanding of Biblical and Extra-Biblical Prophecy*, edited by K. De Troyer and A. Lange, 43–60. Leuven: Peeters.

Nitzan, B. 1986. *Pesher Habakkuk: A Scroll from the Wilderness of Judaea (1QpHab)* [Hebrew]. Jerusalem: Mosad Bialik.

Parpola, S. 1993. *Letters from Assyrian and Babylonian Scholars*. State Archives of Assyria 10. Helsinki: Helsinki University Press.

Rabinowitz, I. 1972–1975. "'Pēsher/Pittārōn': Its Biblical Meaning and Its Significance in the Qumran Literature." *Revue de Qumran* 8:220–232.

Reynolds, F. 1999. "Stellar Representations of Tiāmat and Qingu in a Learned Calendar Text." In *Languages and Cultures in Contact at the Crossroads of Civilization in the Syro-Mesopotamian Realm: Proceedings of the 42th RAI*, edited by K. Van Lerberghe and G. Voet, Orientalia Lovaniensia Analecta 96, pp. 369–378. Leuven: Peeters.

Rochberg-Halton, F. 1988. *Aspects of Babylonian Celestial Divination: The Lunar Eclipse Tablets of Enūma Anu Enlil*. Archiv für Orientforschung Beiheft 22. Horn: F. Berger.

Rösel, M. 2000. "Name of God." In Schiffman and VanderKam 2000, 600–602.

Rosen-Zvi, Y. Forthcoming. *The Hermeneutic Lexicon of Midrashic Terminology*.

Sagiv, Y. 2004. "The Holydays Portion in the Sifra: A Proto-type Computerized Edition and an Inquiry on One Chapter" [Hebrew]. Master's thesis, Hebrew University.

–. 2010. "When 'Slaughtering' Means 'Pulling' and 'a Tent' Means 'a Wife': A New Approach to the Literal Interpretation of the Sages and Its Purposes" [Hebrew]. *Jewish Studies, an Internet Journal* 9:1–15. http://www.biu.ac.il/js/JSIJ/9–2010/Sagiv.pdf.

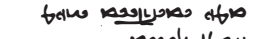
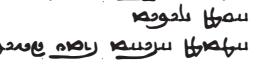
Schaudig, H. 2001. *Die Inschriften Nabonids von Babylon und Kyros' des Grossen*. Alter Orient und Altes Testament 256. Münster: Ugarit-Verlag.
Schiffman, L. H. 1975. *The Halakhah at Qumran*. Leiden: Brill.
Schiffman, L. H., and J. C. VanderKam, eds. 2000. *Encyclopedia of the Dead Sea Scrolls*. 2 vols. Oxford: Oxford University Press.
Skehan, P. W. 1980. "The Divine Name at Qumran, in the Masada Scroll, and in the Septuagint." *Bulletin of the International Organization for Septuagint and Cognate Studies* 13:14–44.
Soden, W. von. 1936. "Die Unterweltsvision eines assyrischen Kronprinzen." *Zeitschrift für Assyriologie* 43:1–31.
Stol, M. 1993. *Epilepsy in Babylonia*. Cuneiform Monographs 2. Groningen: Styx.
Tigay, J. 1983. "An Early Technique of Aggadic Exegesis." In *History, Historiography, and Interpretation: Studies in Biblical and Cuneiform Literatures*, edited by H. Tadmor and W. Weinfeld, 169–189. Jerusalem: Magnes; Leiden: Brill.
Wasserman, N. 2012. *Most Probably: Epistemic Modality in Old Babylonian*. Languages of the Ancient Near East 3. Winona Lake, IN: Eisenbrauns.
Weiher, E. von. 1983. *Spätbabylonische Texte aus Uruk, Teil II*. Ausgrabungen der Deutschen Forschungsgemeinschaft in Uruk-Warka 10. Berlin: Mann.
–. 1988. *Spätbabylonische Texte aus Uruk, Teil III*. Ausgrabungen der Deutschen Forschungsgemeinschaft in Uruk-Warka 12. Berlin: Mann.
–. 1993. *Uruk: Spätbabylonische Texte aus dem Planquadrat U 18, Teil IV*. Ausgrabungen in Uruk-Warka Endberichte 12. Mainz: P. von Zabern.
–. 1998. *Uruk: Spätbabylonische Texte aus dem Planquadrat U 18, Teil V*. Ausgrabungen in Uruk-Warka Endberichte 13. Mainz: P. von Zabern.
Yadin, A. 2004. *Scripture as Logos: Rabbi Ishmael and the Origins of Midrash*. Divinations. Philadelphia: University of Pennsylvania Press.

Prods Oktor Skjærvø

Abar Rōdestān ī Babēl: The Zoroastrian Tradition – the *dēn* – in Sasanian and Early Islamic Times

Iranians and Jews in Xinjiang (Chinese Turkestan)

Although I shall be addressing in this paper the Zoroastrian tradition, especially its Achaemenid and Sasanian (and post-Sasanian) incarnations, the title of our conference permits a digression. Unbeknownst to the organizers, the phrase "by the rivers of Babylon" is also found in Middle Persian translation in the so-called *Pahlavi Psalter*, which could be as early as the fourth or fifth century CE.[1] The translation is found in a manuscript discovered in 1905 by the second German archeological expedition to Turfan in the far northeastern corner of Xinjiang (then Chinese Turkestan) on the northern Silk Road, at the border of China proper, near a pass through the Heavenly Mountains, which today leads to Urumqi, capital of the Uigur Autonomous Region.[2] The manuscript is incomplete and ends with Psalm 136, that is, the standard Psalm 137, which contains the phrase.

QDM lwtst'n ZY bbyly .	*abar rōdestān ī Babēl*	
TME YTYBWNst HWEm .	*ānōh nišast hom*	
APmn glydyt	*u-mān grīyīd*	
AMTmn 'by't bwty chydwny	*ka-mān ayād būd Ṣihyōn*	

The *Pahlavi Psalter* is a unique relic from the Persian Christians, specifically those of the Nestorian Church, or the Church of the East, who had taken refuge at Turfan.

There were Jews in Xinjiang as well. From the Iranian-speaking kingdom of Khotan on the southwestern Silk Road through Xinjiang, two letters in Judeo-Persian have been recovered: one was found by Aurel Stein at Dandan Öiliq in 1901,[3] and the other, without documented provenance, came to light recently and is now in the National Library of China in Beijing.[4] They were probably

[1] See Skjærvø 1983, 178–179; Gignoux 2002.

[2] It can be seen at the website of the Turfanforschung project at http://www.bbaw.de/forschung/turfanforschung/dta/ps/images/ps12_verso.jpg. See Andreas 1933.

[3] Stein 1907, 1:306, 571; 2: pl. cxix; British Library Or.8212/166 at http://idp.bl.uk/database/oo_scroll_h.a4d?uid=104918765414;recnum=2946;index=1.

[4] Zhang and Shi 2008.

written shortly after 800 and probably by the same person. At Dunhuang at the eastern end of the Silk Road, a Hebrew manuscript containing a *seliḥah*, probably dating from more or less the same time as the two letters, was acquired by Paul Pelliot in 1908.[5]

There is no explicit evidence at this time for Zoroastrians at Khotan, which was all Buddhist,[6] but documents from Dunhuang suggest that there were some there, and the Sogdian merchants who traveled along the Silk Road from Iran to China were Zoroastrians.[7]

We know little else, if anything, about the interaction between the Jews and Iranians in Central Asia in this period, and I shall not be saying any more about this particular area, but the presence of Jews and Zoroastrians in these places indicates that by the end of the first millennium CE, encounters between Jews and Zoroastrians were taking place from Mesopotamia to China.

The Old Iranian Literature[8]

Today Iranists believe, for good reasons, that the earliest Iranians and their ancient beliefs came from Central Asia, presumably the area east of the Aral Sea. They had probably come to this area sometime in the third millennium BCE together with their Indic relatives, in fact, before even these two groups had been differentiated into Iranians and Indo-Aryans (as they are called to differentiate them from other Indian peoples). The early history of these two population groups is shrouded in the mists of time, but we know for a fact that at some point during the second millennium BCE members of each group migrated south, the Indo-Aryans into the subcontinent and the Iranians onto the Iranian Plateau.

It is during the time of Indo-Iranian unity that we must seek the origins of the ancient Indic and Iranian literature, as we see it in the Indic Vedas and the Iranian Avestan texts. By the time these texts were composed, however, we must assume that the two peoples had been separated for at least half a millennium and that the literatures had much time to develop on either side. Thus, although there are innumerable similarities between the two, it is clear that they developed in different directions, both as regards poetic form and religious content.

The most noticeable difference between the two corpora, however, is their size. The *Rigveda* counts just over a thousand shorter and longer hymns, while, on the Iranian side, the oldest texts are limited to a very small corpus, which we

[5] Pelliot hébreu 1: http://idp.bl.uk/database/oo_scroll_h.a4d?uid=104912716214;recnum=85917;index=1.

[6] On the Zoroastrian vocabulary of Khotanese, see Skjærvø 1991.

[7] Zhang 2000; further references in de la Vaissière 2006.

[8] This survey of Old Iranian literature was included at the request of the organizers.

refer to as the *Old Avesta*. Also, in India there is a continuum of texts covering the entire duration down to historical times. Thus, we have the following approximate time frame for the Old Indic and Iranian languages and texts:

	Iran	*India*
[ca. 1300 – 1000 BCE]	*Old Avesta* (6 hymns)	*Rigveda* (1000+ hymns) *Atharvaveda* *Brāhmaṇas* *Upaniṣads*
[ca. 1000–500 BCE]	*Young Avesta*	Classical Sanskrit texts
[ca. 800]–ca. 400 BCE	Old Persian inscriptions	
ca. 250 BCE–ca. 1000	Middle Iranian	Middle Indic inscriptions of King Aśoka (r. ca. 270–240 BCE)

Although the Vedic and Old Avestan corpora differ in both form and content, there are enough common elements to show that they have a shared heritage. The Vedic hymns are individual hymns, most of them addressed to individual deities, or groups of deities, among them 114 hymns addressed to Soma, the god of the divine drink used in the *soma* ritual (*yajña*), while the *Old Avesta* consists of a single tightly composed ritual text containing six hymns, also accompanying the *haoma* ritual, the *yasna*. The priest performing the ritual was the Indic *hotar*, Avestan *zaotar*. The head priest was the *āθrawan* or *aθarun*, corresponding to Old Indic *atharvan* (seen in *Atharvaveda*), who, in the *Rigveda*, is said to have been one of the first sacrificers.

The Avesta

The Old Avestan text consists of six hymns: the five *Gāθā*s, "Songs," and a praise-hymn to Ahura Mazdā and his creation, the *Yasna in Seven Sections* (*Yasna haptanghāiti*). In the regular *yasna* ritual, this praise-hymn follows the first *Gāθā*.[9]

The bulk of the *Avesta* consists of texts in a later language, hence called the *Young* (or *Younger*) *Avesta*, including texts accompanying the various rituals (the *Yasna* and so forth); hymns to individual deities (the *yašt*s); and a rather long text containing the purity laws of the Avestan people (the *Videvdad*). In addition, there are texts concerning the performance of the rituals and the education of priests (the *Nērangestān* and *Hērbedestān*).

The time frame of the Avestan texts has been much discussed, but there are really only two pegs to hang it on, as it were. Old Avestan is grammatically quite similar to the oldest Indic texts, the *Veda*s, in particular the *Rigveda*,

[9] There are numerous editions and translations; see, e. g., Humbach and Ichaporia 1994; Irani 1998.

and Young Avestan is quite similar to Old Persian as it must have been in the centuries before we see it in the inscriptions. That gives us a temporal frame between the second half of the second millennium and the first half of the first millennium.

The question of chronology is linked with the question of the migrations of the Central Asian Iranians onto the Iranian Plateau, which we know had started by the turn of the millennium. We know that Parsuwas and Mādas, who were presumably the ancestors of the Persians and Medes, were in western Iran in the ninth century, when they were mentioned in Assurnasirpal's annals (883–859 BCE) and on Salmanassar III's (858–824 BCE) Black Obelisk (835 BCE).[10] Remarkably, the obelisk also shows Bactrian camels, which suggests some kind of contact with eastern Iran as well. Or were these brought by the Persians?

From this time on, we hear on and off about Medes and Parsuwas along the Zagros, until they are finally established in the Elamite heartland with the capital of Anshan (northwest of modern Shiraz), where they gave their name to the district, Old Persian Pārsa (modern Fārs). Meanwhile, judging from the geographical evidence of the *Young Avesta*, another group of Iranians migrated down into the Helmand valley in southern Afghanistan, the Arachosia of the Greeks, modern Qandahar.[11] As I shall show below, the Achaemenids were *more* than a little acquainted with the Avesta, which leads to the question of whether they brought it with them or whether they acquired it once they were in Pārs. This will have to be put aside for the moment.[12]

As for the *Avesta*s, there are two basic facts of their history that need to be carefully considered: their orality and their crystallization. The Avestan texts were oral texts, orally composed and orally transmitted, and not written down until very recent times (see below). Before that, they were transmitted only by word of mouth, by a process that implies what we call "recomposition in performance." That is, every time a text was performed, usually tradition required that it be "improved" in some way by recomposing it.

Also, in an oral society, texts are only composed and exist in people's minds and when they are performed for an audience. The general tendency, then, is for them to be composed and performed in the current language. As a result they are constantly linguistically updated, and after a few generations may be quite different from what they were before. Not only does the grammar change, but also the vocabulary. Thus, the recomposition was a natural process: the form of the traditional texts was necessarily changed as the language developed and as the texts moved to new places where other dialects or languages were spoken.

[10] See Waters 1999; Zadok 2001.
[11] See Skjærvø 1995.
[12] Cf. Skjærvø 2005, 80–81.

Contrary to this natural tendency toward change, however, at some time the *Avesta*s ceased being updated and remained what we call "crystallized" texts.[13] For reasons that are not entirely clear to us, a text may come to be considered sacred, presumably because it plays an important role in the ritual and becomes crucial for the orderly functioning of the universe. Such a text, which contains magical-ritual powers, may no longer be changed but must be preserved unchanged for its magic to work. From then on, it can only be taught and learned in a fossilized form, as it were, what we call "crystallized." In both India and Iran, amazing techniques for memorizing sacred texts were developed. In Iran, these techniques presumably began to be lost about the time the first texts were written down, but in India they survive to this day and can be studied.

In Iran, crystallization of the oral sacred texts happened twice. First, the Old Avestan corpus, which was probably itself a liturgy recited during the morning and New Year's rituals (rituals of rejuvenation and regeneration), was crystallized and included in liturgies in later forms of the language accompanying what eventually became the *yasna* ritual.[14] These later liturgies then developed normally, being linguistically updated, until it was again decided, somehow, that this text and many other texts were no longer to be changed, at which stage the language was Young Avestan. All these crystallized texts made up the Avestan corpus, of which only parts have reached us.

The result of crystallization was clearly that, after a few generations, the texts became increasingly incomprehensible to the students, and an oral corpus of explanatory comments in the current languages began taking shape. The Young Avestan exegesis of the first strophe of the *Gāθā*s, the *Ahuna Vairiia* or *Yaθā ahū vairiiō*, was included in *Yasna* 19 and has survived,[15] and the exegesis of *Yasna* 54.1, the *Airiiaman išiiō*, survived as a fragment in various manuscripts.[16] Moreover, the use of Gathic quotations in the *Videvdad* and *Nērangestān* shows how these texts were interpreted in Young Avestan times.[17] Complete exegeses of the *Old Avesta* survived in their later, Pahlavi form as book 9 of the *Dēnkard*.[18]

The ancillary explanatory corpus must have contained not only word-by-word equivalents in the current language, but also explanations, which then developed

[13] For the phenomenon by which an orally composed text, from being constantly recomposed in performance, at some stage, for some reason, is no longer recomposed but fixed in (re)performance, see Nagy 1996, 108–109; Bakker 1997, 21 n. 12. On the crystallization of the *Avesta*, see Skjærvø 2005–2006.

[14] In the extant *Yasna*, the *Old Avesta* is recited about halfway through, but numerous phrases and even complete sections are recited at various places throughout the *Yasna*.

[15] This text is very difficult. For a recent attempt at translation and commentary, see Kellens 2010, 27–51.

[16] Fragment IV in Westergaard [1852] 1993, 338. Vevaina 2005 [2009], 217–218.

[17] See Skjærvø 2013.

[18] See Vevaina 2007.

into the exegetical literature that we know from the Sasanian period and that is enshrined in the Pahlavi texts and known as the Zand, hence the expression "Avesta and Zand" or "Zand-Avesta."

There are problems with how to understand the processes involved. Here are some questions that must necessarily be asked, but which I shall not attempt to answer here:[19]

- How would one go about composing a "text" without knowledge of writing?
- How can such extensive unwritten texts be learned by others?
- Why were religious texts preserved in immutable form?
- How can a text be transmitted unchanged from generation to generation and from place to place as peoples move about and their language changed?[20]
- What would remain unchanged in the texts?
- What would change?
- How could you check whether your version of a text was correct, that is, as originally crystallized?
- How were texts able to be preserved in this manner?
- What changes did they undergo despite their "immutable" form?

It should be noted that the crystallized texts must have been based on performances by priests, one or several, who were considered to have the best versions of them. It is also noteworthy that, with very few exceptions, all the Old Avestan texts are in the same linguistic form and all the Young Avestan texts are in the same linguistic form. There are no discernible dialect forms in the two *Avesta*s or indications of linguistic development other than what is obviously due to the late compilation and manuscript copyists. This suggests that crystallization took place twice and only twice, different from in India, where we have numerous levels of crystallization (see above).

There are many other aspects of the transmission process, of course, which I shall not discuss here. It must be kept in mind, however, that the transmission relied not only on human memory, but must also have depended on decisions constantly made by the priests regarding *whose* performances were to be memorized and transmitted.

[19] See also Skjærvø 2005–2006.

[20] Note that, different from the *Rigveda*, the *Old Avesta* underwent substantial phonetic changes during the transmission; see Skjærvø 2003–2004.

The Achaemenids

The earliest *written* texts in any Iranian language are the Achaemenid inscriptions, written in Old Persian, the grandparent of modern Persian.[21] These are royal inscriptions and contain expressions of the kings' attitudes to the gods and what they thought was the gods' purpose with the world and mankind. These texts can also be precisely dated. The oldest is the long inscription by Darius I at Mount Bisotun (Behistun) in western Iran, which dates from 520 BCE. The latest are from Artaxerxes III (359 to 338 BCE). This means that we know the language from only about 170 years of its history, which must be the end of a longer period during which Old Persian was spoken. During this period we also get the earliest Greek testimonies to Iran and its beliefs.

The inscriptions are not, however – and this should be emphasized – complete expositions of contemporary religious thought, although, as I have argued over the years, the religious beliefs expressed in them are clearly based on those we have in the *Avesta*s.[22] From the royal inscriptions we know that the kings adhered to the basic concepts of the Avestan religion, as abundantly illustrated in their reliefs. The Aramaic and Elamite texts found at Persepolis tell us that the rituals celebrated there included the old *haoma* ritual (= *yasna*) and services to numerous Avestan deities. Not only that. I have also showed that some of the passages in the inscriptions clearly reflect Gathic passages, which means that, to the Achaemenids, as well, the *Gāθā*s were especially important. Thus, the king, who executed god's will on earth, found god's will expressed in these the most sacred of the Avestan texts. Finally, I proposed that the simplest explanation of a much-debated passage in Xerxes' inscriptions is that it actually contained a text in Avestan, perhaps part of an exegesis of a passage from the *Yasna in Seven Sections* (YH):

YH 36.6–7	*Xerxes at Persepolis inscription h*
We are presenting to you, Ahura Mazdā,	The great god is Ahuramazdā,
the most beautiful form among (all) forms	who set in place this earth
these lights (as) the highest among heights,[23]	(*haya imām būmim adā*)
(*barəzištəm barəzimanąm*)	who set in place yonder sky
as high as yonder sun has been said (to be).	(*haya avam asmānam adā*)
And thus we sacrifice to Ahura Mazdā	who set in place man,
(*yazamaidē ahurəm mazdąm*)	who set in place joy for man …
who set in place the cow and Order,	I sacrificed to Ahuramazdā
set in place the good waters and plants.	(*adam auramazdām ayadaiy*)
set in place the lights and the earth	according to the Order
(*yə̄ raocåscā dāt̰ būmīmcā*)	(*ąrtācā* < **rtā(t) haca*)
and all good (things).	in the height (*bąrzmaniy*).

[21] The most recent complete edition and translation is Schmitt 2009.
[22] Skjærvø 1999, 2005.
[23] The sacrificial fire is equated with the heavenly fire, i. e., the sun.

Compare:

Gāθā 51.22 (concluding strophe)	*Darius at Susa inscription k*
He in return for my sacrifice to whom (*yesnē paitī*) – according to Order – Ahura Mazdā knows the best (reward) …	I sacrificed to Ahuramazdā (*adam Ahuramazdām ayadaiy*) Let Ahuramazdā bring me support! (*Ahuramazdā-maiy upastām baratuv*)
Gāθā 51.22	*Xerxes at Persepolis inscription h*
He in return for my sacrifice to whom – according to Order – (*aṣ̌āṯ hacā* < **rtā(t) haca*)	I sacrificed to Ahuramazdā according to Order (*ṛtācā* < **rtā(t) haca*)

Thus, I think the conclusion is fairly unavoidable that there existed an Old Persian *zand* of the *Old Avesta*, as well as an Old Persian oral tradition continuing that of the *Young Avesta*.

This entire tradition does not have a name in the Achaemenid inscriptions, where it is not explicitly referred to. It is only about five hundred years later, in the third century CE, that we know for sure what it was called, namely *dēn*, which in the Pahlavi texts refers to the scholarly, "sacred," tradition.

The Sasanians

Around 224 CE, Parthian rule was replaced by that of the Sasanians, who achieved a string of conquests under their first king, Ardashir I. During the reign of his son Šāpūr I, Rome was getting worried about the expansion of the Persians and decided to attack. No less than three emperors attempted to crush the Persian army, but all were dismally beaten. Šāpūr celebrated these victories in a long inscription in Persian, Parthian, and Greek, in which he told all about the campaigns.[24] He also listed the dignitaries under himself, his father, and grandfather and described his pious activities, including sacrifices of wine and bread for the souls of his family members, and his belief in the gods.

Among the dignitaries listed under Šāpūr was a young *ēhrbed*, that is, a religious teacher, called Kartir the *Magos* in the Greek version.[25] He had already won Šāpūr's approval and accompanied him on his campaigns throughout Iran and Anatolia. Under Šāpūr's successors, Kartir's career took off, and he became priest and high priest at a famous fire-temple at Istakhr. In these inscriptions, Kartir included the main points of the Zoroastrian beliefs of his time, namely, that whoever is good will go to paradise, but whoever is bad will go to hell. He also, like Šāpūr, listed his achievements under the various kings – Šāpūr, his two

[24] The latest edition is Huyse (1999).
[25] In Pahlavi, the title is *hērbed*, whence *Hērbedestān*.

sons Ohrmazd and Warahrān I, and the latter's son, Warahrān II – and exhorted his successors to follow his example.[26]

Among other things, he tells us how many *yasna* rituals he had undertaken and, most importantly, states that he "enumerated much various *dēn*."[27] This is the first time we encounter the term in the sense it has in the Pahlavi literature, namely, the totality of the (authoritative) oral priestly traditions.

This is the end of the extant contemporary indigenous written documentation of Mazdaism in Iran before the Arab conquest. Whether any of the tradition was written down over the next three centuries, we do not know.

The Written Avesta

The *Avesta* was finally committed to writing. Some kind of committee must have been appointed to create a script for writing it down. The Avestan script thus constructed is a remarkable feat, bearing evidence of a perfect phonetic understanding of the recited texts.[28] It was based on the current Pahlavi script, but letters were modified and added to express all the phonetic nuances in the recitation.[29] Whether all known texts were written down at the same time we do not know. I suspect that texts were added over time and that some may not have been written down till much later. We also do not know whether the *zand* was written down at the same time. My guess is that it was not, since the authors of the Pahlavi texts emphasized the superiority of the oral text over the written.[30]

The first evidence for written texts enshrining the tradition comes in the ninth century, when we have synchronism with Islamic rulers, notably al-Ma'mun (ninth century), and the evidence of the Muslim historians. Thus, the enormous compendium of the tradition, the *Dēnkard*, was probably begun in the early ninth century, but finished only in the late ninth–early tenth century. The earliest Pahlavi manuscripts, however, date only from the thirteenth and fourteenth centuries, and two old manuscripts of the *Dēnkard* are much later, 1659 (B) and 1697 (DH), although copied from a copy of a manuscript written in 1020.

The *Dēnkard* is interesting for various reasons, but especially for giving a detailed analysis of the contents of the *Avesta* at that time, when it was divided into twenty-one books (*nask*). The contents were, of course, given on the basis of the Pahlavi *zand*, and if the *zand* was missing, or even both Avesta and *zand*,

---

[26] The latest English translation of the principal inscription is by MacKenzie 1989. On Kartir, see Skjærvø 2011a. On the literary formulas shared by the two, see Skjærvø 1985.

[27] Cf. Vevaina 2010; Skjærvø, 2012, 20–25.

[28] See Morgenstierne 1942.

[29] See Hoffmann and Narten 1989, chapters II and IV; on the date of the writing down, see Kellens 2010, 442–488.

[30] *Dēnkard* 5.24.13; see Skjærvø 2011b, 250.

no analysis was given.[31] Thus, we may tabulate as follows the development of the written *Avesta* and *zand*:

ca. 600 CE	The twenty-one books (*nask*s) of the *Avesta* are committed to writing and the oral Avestan tradition begins to fade
9th century	The contents of the *nask*s are described in the *Dēnkard* Manuscripts continue to be copied while also influenced by oral traditions
ca. 1000	One single manuscript of each of the extant texts
1258 (or 1278)	Oldest Avestan manuscript (K7: *Vispered*)
1323–1324	Oldest manuscripts of the *Yasna* (J2, K5) and the *Videvdad* (K1, L4)
Since then	Deteriorating manuscript tradition

Among other texts of special relevance for this conference is a lawbook, which is probably the most and best studied of all the Pahlavi texts.[32] Of the other scholarly texts, many important ones have been edited and translated, often with material commentary, but the bulk of the texts lack up-to-date editions and translations, and those that do exist are often not reliable. This is the case regarding the Pahlavi *Videvdad*, "Laws for how to keep the demons away" (on pollution and purification),[33] and *Hērbedestān* (issues connected with priestly studies),[34] and their *zand*, as well as Pahlavi texts discussing various issues connected with proper behavior, especially in the rituals, but also in daily life, such as the *Šāyist nē šāyist*, "What is appropriate to do and what is not";[35] several *rivayat*s, i. e., texts in question and answer form, some with named authorities;[36] and an independent commentary on the *Videvdad*, the *Zand ī fragard ī Jud-dēw-dād*, "Zand on chapters of the *Vīdevdad*."[37]

My own interest in these scholarly texts was piqued only a few years ago, when Professor Elman walked into my office one day and we began reading Pahlavi texts together. Soon his and, later, my student Shai Secunda joined us, and gradually I began to understand how the priestly texts must be read, and Elman's input made me focus on what may have been the priests' concerns, which were similar to or identical with those of the rabbis.

The Videvdad

Let me now turn to what probably contains some of the oldest of the priestly legal traditions, namely the *zand* of the Avestan (religious) law code, the *Videvdad*.

[31] On the history of the *Dēnkard*, see now Vevaina 2007.
[32] See Maria Macuch's contribution in this volume.
[33] Edited Jamasp 1907.
[34] Most recent edition Kotwal and Kreyenbroek 1992.
[35] Edited Tavadia 1930.
[36] There is also a large corpus of *rivāyat*s, or responsa, in Persian.
[37] Facsimile edition: JamaspAsa and Nawabi 1979.

The *Vīdevdad* is in various respects quite similar to certain parts of the Torah in that it contains innumerable rules for how to deal with pollution. These rules are framed by a cosmogony. In the first two chapters, we are told how evil entered the world and how the earth was populated and how the ensuing population problem was solved by God by sending harsh winters, which resulted in spring floods that decimated mankind. In the last four chapters, we are told how Zarathustra cleansed this world of evil and how Ahura Mazdā's Holy Thought cleansed the entire universe of illness and death, bringing back the new Day.[38]

The priestly commentaries accompanying the individual sections of the Pahlavi version of the *Vīdevdad* can be quite extensive, explaining how the various rules are to be interpreted in contemporary practice. These interpretations are backed up by citations from the Tradition, the *dēn*, as well as, in fewer cases, from the Pahlavi *Avesta* itself, and occasionally also Avestan texts. The priestly commentaries are also where we find various opinions cited on details. The authorities range from the anonymous "teachers of old" (*pōryōtkēš*) to named priestly scholars, whose "teachings" (*čāštag*) are cited.

The Pahlavi *Vīdevdad* has attracted a fair amount of interest from my Talmudist colleagues, who complain that they do not have authoritative translations. It is therefore extremely frustrating that we do not even have a proper edition, hence also no proper translation of the text. We do have access to the two oldest (fourteenth century) manuscripts, one in Copenhagen (K1) and one in London (L4), but the sad situation is that K1 is only about two-thirds of a manuscript, while the remaining third is part of the collection in the K. R. Cama Oriental Institute library in Mumbai (unfortunately, its location within the library is unknown), and L4 is lacking a large number of folios, and many of the extant ones are damaged.[39]

As an example of the many interesting things these texts are now yielding, consider the following passage from the *Vīdevdad*, chapter 5, on pollution spread by animals. Ahura Mazdā tells Zarathustra that, if pollution brought by dogs, birds, wolves, and other sources were to pollute humans, then, because of all the dead bodies lying all over the earth, "the whole world would have its Order destroyed, its souls would be howling, and the bodies would be forfeit."[40]

This phrase, however, is also an example of the *Vīdevdad*'s use of the *Gāθā*s to authenticate an opinion, illustrating the omnisignificance of the Gathic text. The *Vīdevdad* phrase is, in fact, based on two different Gathic passages, both of them dealing with the fate of sinners in the beyond. In both passages we find the verb "to howl," also "to boo," and in both we find a reference to paths, respectively "going."[41]

---

[38] See Skjærvø 2007, 128–129.

[39] Numerous manuscripts of the *Vīdevdad* are now available at http://www.avesta-archive.com/.

[40] See Skjærvø, 2011b, 226.

[41] The *Vīdevdad* is recited during a long purification ritual, which begins at midnight and is

Videvdad 5.4
vīspō aŋhuš astuuå jiṯ.aṣəm xraodaṯ.uruua (var. *xraoždaṯ.uruua*) *pəṣ̌ō.tanuš*
the whole world would have its Order destroyed, its souls would be howling, and the bodies would be forfeit

Gāθā 4.51.13	*Gāθā* 5.53.8–9
yehiiā uruuā xraodaitī cinuuatō pərətao ākå ...	*zaxiiācā vīspåŋhō xraosəṇtąm upā ...*
aṣ̌ahiiā nąsuuå paθō	*aēšasā dəjīṯ.arətā pəṣ̌ō.tanuuō vasə.itōiščā*
whose soul will be howling …	all of them laughable, let them be howled upon …
	by a .?. having its Order destroyed, his body forfeit
having lost the path of Order	being prevented from going at will

Note that the *Videvdad* passage has elements from both Gathic passages: *jiṯ. aṣəm* (Young Av.) ~ *dəjīṯ.arətā* (Old Av.) and *xraodaṯ.uruua* ~ *uruuā xraodaitī* (cf. *xraosəṇtąm*, another form from *xraod-*).

More importantly, the secondary commentary differs from the *Videvdad* commentary in one important respect. In the Pahlavi *Videvdad*, the booing will prevent the sinners from entering paradise, which is the context of the first Gathic passage, where the soul finds itself in front of the judge who will determine its fate in afterlife. In the secondary commentary, however, the booing will take place in Hell, after the judgment, which is the situation in the second Gathic passage.

Pahlavi *Gāθā* 4.51.13	Pahlavi *Gāθā* 5.53.8–9
ō ruwān ***xrōsišn dahēnd***[42]	***zanišn*** *hēnd ... ud* ***xrōsišn*** *hēnd abar*
pad čēh-widarg āškārag	
wisinnēnd ān ī ahlāyīh rāh	*u-šān* ***xwāst*** *ēstēd* ***zad****-dastwarīh ...*
kū rāh ī frārōn bē wisinnēnd	*kū-šān dastwarīh* ***zad*** *ēstēd ...*
	ud tanābuhlagān hēnd
they **give booing** to the soul	they should be **stricken** and **booing** upon them!
– evidently at the Ford of Lamentation;	
they cut off the road of Order	and they have **sought** striking of guidance by a *dastwar*
i. e., they cut off the road of good behavior	i. e., they have stricken guidance by a *dastwar*
	forfeiting their bodies

not over until after sunrise. In this ritual, a modified *yasna* is recited, but with the chapters of the *Videvdad* inserted among the individual *Gāθā*s. See Modi 1937, 350–353; Skjærvø 2007, 120–122.

[42] *xraodaṯ* is pseudo-etymologically analyzed as *xrao(d)-* "boo" and *dat* "give," as is *xruždād*, which reflects the variant *xraoždaṯ*.

Pahlavi *Vīdevdad* 5.4:	*Zand ī fragard ī jud-dēw-dād* [MS TD2, p. 542
ān ī man harwisp axw ī astōmand	*ān ī man harwist axw ī astōmand*
zad-xwāstār *ī ahlayīh*	***zad-xwāstār*** *ahlāyīh*
kū-šān rāh ī kār ud kerbag	*kū rāh ī ō kār ud kerbag kardan*
zad *estād hē*	***zad*** *būd hē*
xruž-dād *ō ruwān*	***xrōsišn*** *dād ō ruwān*
kū-šān ruwān AZ GARŌDMĀN	*kū-šān ruwān* ANDAR DŌŠOX
xrōstag ud xwistag būd hē	*xrōsag ud xwistag būd hē*
tanābuhlagān	
kū margarzān būd hēnd	
My entire world with bones,	My entire world with bones,
seeking to **strike** Order[43]	**seeking** to **strike** Order
i. e., the road for them to work and good deeds	i. e., the road for them to do work and good deeds
would have been **stricken**	would be **stricken**
There would be ***xružd*** **given** to the soul	
i. e., their souls would be **booed**	**booing** and persecutions would be given
and persecuted OUT OF PARADISE	to the soul IN HELL[44]
forfeiting their bodies,	
i. e., deserving of capital punishment	

This *Videvdad* passage therefore illustrates two important things: the use of the *Gāθā*s to authenticate an opinion and the impact of the common Tradition on the redaction of the *zand*.

Terminology

Before going on to some examples of exegesis, let me mention two examples of the use of particles.[45] One is the particle *ōh* (spelled with the Aramaic <KN>),

[43] The passage, addressed to somone who refuses to take on students, is cited in *Dēnkard* 7.4.19 (B [MR35]) as *abar ōy gōwē Zarduxšt zad-xwāstār ahlāyīh hē ud tanābuhlagān margarzān xrōsišn dādār ō ruwān*, "upon him you shall say, Zarathustra: 'You seek to strike Order and are guilty of a sin worth forfeiting your body and deserving of capital punishment; you will be giving booing to (your) soul.'"

[44] As pointed out (oral communication) by Götz König, it is also used in modified form in *Dēnkard* 7.8.29 [B513–514] *ud awēšān-iz mard hēnd xrōsag xwistag andar axw ī astōmand seǰ-dādār ud marnǰēnīdār wizend ud ǰādūgīh awēšān-iz rāy gōwēnd mardōm druwand ī sāstār awēšān az tō bē Zarduxšt mehīhātar ōzōmandīhātar xruždōmandīhātar ahlāyīh ahlāyēnēnd*, "and those men (the priests) are booed and persecuted in the world with bones: those who give danger, and destroy and (produce) harm and sorcery; and about them one says: wicked false teachers. (But) they are the ones besides you, Zarathustra, who will make Order Orderly in the greatest, strongest, and firmest degree." Interestingly, here, *xruž-dād* appears to have been reinterpreted as containing *xružd*, "hard, firm."

[45] See Skjærvø 2010.

which basically means "thus, in that way," but does not usually refer to a specific "way" or "manner." Rather, it is commonly contrasted with specific manners of doing something and probably refers to the default manner, that is, "in the usual way" or "in the well-known manner."[46]

The other particle is *hād*, spelled <HWEt>, which is variously translated in the literature as "lo!" or "behold!" or something similar, which, of course, makes no sense. The form is a third-person singular subjunctive of the verb "to be," and so literally means "(so) be it," but is used, apparently, in the sense of "yes, and …" or "yes, but …"[47] Extensive reading has also borne out this function.

These two particles to which, traditionally, no particular semantic content has been assigned, are nevertheless crucial for following the flow of presentation and argumentation.

Examples of Scholarly Discussions about Pollution from the Pahlavi Literature

The following are a few examples of learned discussions over several texts. The first concerns the polluting potential of a dead thing in a tree, based on the *zand* of the *Videvdad*. In the *Pahlavi Videvdad*, the situation is simple. Polluting matter located on the trunk spreads down along the trunk to the earth, which then becomes polluted (and therefore also polluting), but that located on the branch does not reach that far.[48]

Pahlavi Videvdad 6.5J

ka abar dār-ēw bē mirēd	When something dies on a tree:
ka abar mādagwar bē mirēd zamīg rēman	1. when it dies on the trunk, the earth is polluted;
ka abar azg bē mirēd ī-š aziš rust zamīg pāk	2. when it dies on a branch that grew from it, the earth is clean.

The redactor of the *Šāyist nē šāyist* adds that it also depends on whether the bark is moist or dry and whether there is "fear," that is, potential for falling. Only if there is such a potential does the pollution spread downward.

---

[46] Shaul Shaked (2006, 50–51) presents a rival explanation, suggesting *ōh* in this function is just a variant of *ō*, "to," but he offers no evidence that *ō* can be used in this way with a verb, rather than the common postposition *awiš*, nor does he explain how it would function syntactically, and he cites a very small sample of texts.

[47] This *hād* is regularly spelled <HWEt>, with the third-century spelling of *hād*, but is occasionally spelled <HWE't>, the regular Pahlavi spelling of *hād*. Conversely, we occasionally encounter the spelling <HWEt> for <HWE't> in Pahlavi texts (e. g., *Dēnkard* 3.387, 8.38, 9.25.2; B, pp. [282, MR124]; DH folio 282v).

[48] See also Skjærvø and Elman, forthcoming.

Šāyist nē šāyist 2.25

ka abar draxt-ēw bē mīrēd	When something dies on a tree,
ka-š pōst tarun	1. when the bark is moist
ud az bē ōbast bīm nēst	2. and there is no fear of (its) falling,
frōd nē bārēd	(then) it does not carry down.
ud ka-š bīm	3. And, when there is (fear, then)
tan-masāy frōd bārēd	it carries down the size of the (dead) body.

The redactor of the secondary *Vīdevdad* commentary, in addition, comments on the case where a limb or hair from the dead body *reaches* something.

Zand ī fragard ī jud-dēw-dād [TD2, p. 481]

pad čāštag
ān handām ka <twp'> hušk ayāb nasāy abāz ō hušk-ēw estēd
ān hušk ō zamīg paywastag ēnyā
agar draxt az ān ī pōst tarr ka handām-iz abāz ō stūnag mayān estēd
pas-iz rēman

According to a teaching:
That limb (counts) only when the *body too is dry[49] or a *nasāy* reaches a dry (something,
and) that dry (something) is connected with the earth.
If the tree is of the dry-bark kind, when the limb reaches the trunk,
then it is obviously polluted.

Next, we have a discussion of the polluting potential of a dead thing on a roof.

First case: when nothing of the dead body reaches the stairs, then only the roof itself is polluted, while the space of the room below is not.

Pahlavi Vīdevdad 6.5P

ka abar bān bē mirēd	When something dies on a roof:
ka tis-ē abāz ō pillagān nē ēstēd	when none (of it) reaches back to the stairs,
bān tā ō āškōb rēman	1. the roof is polluted TO the ceiling,
āškōb tuhīg pāk	2. the ceiling and the empty (space) are clean.

Second case: when some of the dead body reaches the stairs, then the pollution pollutes the roof, but also makes its way down the stairs and pollutes the ground, while the condition of the ceiling and the space of the room are uncertain.

Pahlavi Vīdevdad 6.5Q

ka-š tis-ēw abāz ō pillagān ēstēd	When some (of it) reaches back to the stairs,
bān tā ō āškōb rēman	1. the roof is polluted TO the ceiling,
zamīg ta ō āb rēman	2. the earth/floor is polluted TO the water.
āškōb tuhīg nē rōšn	3. (As for) the ceiling and the empty space, it is not clear.

[49] That is, it has become *hixr* (less serious) and is no longer *nasāy*.

The redactor of the secondary *Videvdad* commentary is more confident: if a limb reaches the stairs, the polluting body pollutes downward inside a cylinder around the outline of the body, but not the whole space of the room. That is, if ritual implements or *barsom* (sacred twigs) are located in the room, they are only polluted if they are directly below the dead thing.

Zand ī fragard ī Jud-dēw-dād [TD2, pp. 482–483]

ka pad bān murd estēd ast čiyōn	When there is something dead on the roof, how is it?
ka-š tis-iz handām abāz ō pillagān nē estēd	When nothing of its limbs reaches the stairs,
frōd nē barēd	it does not carry down.
ka handām-ēw abāz ō pillagān estēd	When a limb reaches the stairs,
tan-masāy frōd barēd	1. it carries down the size of the body,
xānag andarrōn pāk	2. (but) the house is clean inside.

The redactor of the *Šāyist nē šāyist* is much more detailed.

Šāyist nē šāyist 2.18

agar abar bān-ēw bē mīrēd
ka-š handām-ēw ayāb mōy-ēw abāz ō kanār ī bān estēd bān tan-masāy tā ō āb rēman
ud hamāg barsom ī andar ān xānag az ān gyāg kū remanīh frōd barēd tā ō barsom
30 gām ī sē pāy ast ā barsom nē rēman
ud ka-š mōy ayāb handām ō pillagān nē mad estēd bān tā ō tuhīg rēman

If something dies on a roof:
when one of its limbs or a hair reaches the edge of the roof, then the roof is polluted the size of the body down to the water.
And all the barsom in the house (is polluted), from the place where the pollution carries down (all the way) to the *barsom*.
When there are 30 strides of 3 feet (in between), then the *barsom* is not polluted.
When a hair from it or a limb has not reached the stairs, the roof is polluted (only down) to the empty space.

Finally, in the following example, the pollution potential of larger dead animals, such as dogs and weasels, is discussed.[50]

Pahlavi Videvdad 5.33–34

dādār. agar ast kū sag rasūg
u-š guft ohrmazd kū nē ān sag ī raspūg

[50] The *Videvdad* commentary is interesting in that it contains an explanation of the two technical terms *hamrēh*, "direct pollution," and *padrēh*, "indirect pollution," that is, Avestan *hąm.raēθβaiia-*, "pollute (by being) together," and *paiti.raēθβaiia-*, "pollute (by being) onto." The two terms are also explained by *Ēmēd son of Ašwahišt*, question 15: "*hamreh* is when a man's body is in close contact with a dead thing (*nasāy*) or a dead thing with a piece of clothing on a man's body or a piece of clothing with a dead thing. *pedreh* is what happens when there is something else between the dead thing and the man's body, such as an animal (?) and he moves the other thing with one connection"; see JamaspAsa and Nawabi 1979, 266.

spenāg mēnōy dāmān ō ham gumēxtēd pad hamrēh
u-šān nē abar gumēxtēd pad padrēh
*anīy az ān kē zanēd kū bē ōzanēd frāz-iz kušēd kū bē *drōbēd*[51]
ān ōy āhōgēnēd tā ō hamē ud hamē rawišnīh tā šōyēd
…
rōbāh ud raspūg ud babrag ud nasāy ī zīndagān ud nasāy ī dēwēsnān gyāg ud kadag ud mard rēman nē kunēnd
rōbāh ud nasāy ī zīndagān ud nasāy ī dēwēsnān wastarg rēman nē kunēnd

O Creator (etc.), if we are dealing with the dog (called) weasel …
Ohrmazd said: This (kind of) dog, the weasel,
does mingle "together (with)" the creatures of Spenāg Mēnōy (the Good Spirit), (i. e.,) by direct pollution,
(but) it does not mingle "upon" them (i. e.,) by indirect pollution,
other than one which one "strikes," i. e., kills and "kills," i. e., skins.
That one pollutes forever and ever, (i. e.,) until one washes.
…
(Dead) foxes, weasels, and beavers, (as well as) *nasāy* of living beings and *nasāy* of "demon-worshippers" (i. e., of foreign gods) do not pollute places, rooms, or people (inside them?).
(Dead) foxes, (as well as) *nasāy* of living beings and *nasāy* of "demon-worshippers" do not pollute garments.

The redactor of the secondary *Videvdad* commentary agrees with the redactor of the *Videvdad* commentary on the weasel, but elaborates a bit.

Zand ī fragard ī Jud-dēw-dād [TD2, p. 455]

rafsūy rēmanīh kunēd ayāb nē
rēmanīh nē. jud agar bē ōzanēd bē drōbēd
ka pad 10 mard bē drōbēnd hamāg rēman hēnd
*ud ka ast ōzanēd ast *drōbēd ēk-iz nē rēman hēnd*
rōbāh ud rafsūy ud babrag ī ābīg nasāy ī zīndagān

Does a weasel cause pollution?
No pollution, unless they kill it and skin it.
When they skin it with (the help of) ten men, they are all polluted.
And when *one* kills it and *one* skins it, not a single one is polluted.
(Dead) foxes, weasels, and beavers (count as) "*nasāy* of living beings."

The remark about "ten men" probably goes back to the commentaries on *Videvdad* 5.27–28, which describes how pollution works when several men lie on the same bed and one dies: if it is a priest (*āsrōn*) the pollution goes from the eleventh through to the tenth.

[51] The manuscripts: F10, G10, T44, E10 <lwpyt>; DJJ, M3 <ylpyt>; IM bē <LA ylwy't> 𐭩𐭥𐭤𐭩𐭫𐭭 for <ylwpyt'> 𐭩𐭥𐭤𐭩𐭫𐭭; Bh11 <lwyt>. See Jamasp 1907, 175. The *Zand ī fragard ī Jud-dēw-dād* cited above has <ylwpyt>, <ylwpynd>, and <dlpyt>.

Zand ī fragard ī Jud-dēw-dād [TD2, pp. 453–454]

ka grōh-ēw xuft estēnd u-šān tan-ēw andar mayān bē widerēd
hamāg rēman hēnd ayāb hēnd rēman ud ast ī pāk
agar ān tan weh-dēn ēdōn čiyōn guft estēd kū
mard hamāg āsrōn … dārišn
mardōm-ēw pad hamrēh ud 9 pad pedrēh …
ān ī yāzdahom ka abāg ān ī dahom hamkerbag

When a group (of men) are sleeping and one person among them passes on,
are all polluted or are some polluted and one clean?
If the (dead) person is a Weh-dēn (Zoroastrian), it is as it is said:
men are all to be regarded as "priest" …
One man (is polluted) by "direct pollution" and nine by "indirect pollution" …
The eleventh (is polluted) when he is in close contact with the tenth.

The redactor also picks up the *dēwēsnān* in the *Videvdad*, but goes on to describe them separately: *anērān margarzānān dēwēsnān rēmanīh čiyōn*, "How is it with the polluting (potential) of non-Iranian 'demon-worshippers' (who are *ipso facto*) *margarzān* (deserving of capital punishment)?"

Conclusion

In this presentation, I have outlined the background of the Zoroastrian tradition with which the Babylonian rabbis came into contact and given some examples of issues that concerned the Zoroastrian community and how their scholar-priests dealt with them, at least in theory.

Both the Zoroastrian and talmudic texts reach back into preliterate times, when a large oral tradition based on sacred texts was formed and molded by untold generations of priests, only to be committed to writing fairly recently.

I have also shown how the Zoroastrian oral tradition, based on the *Avesta* and its Pahlavi exegesis, surfaces in the scant written remains from the Achaemenid and Sasanian periods – that is, in terms of Jewish history, from the beginning of the Second Temple period and covering the rabbinic period, when, although given a chance to go back to Palestine, numerous Jewish inhabitants of the Iranian empire evidently chose not to go but stayed, in close community with their Iranian compatriots.

The task of this new field that we explored at our conference and that is now attracting a steadily increasing number of young talmudists is to investigate literature that potentially reflects the interaction between Jewish and Iranian religious scholars. This involves studying a hitherto little-studied literature on the Iranian side and looking at a much-studied literature with new eyes on the Jewish side. The many individual similarities that have already been pointed out and the innumerable ones still to be found will then, hopefully, lead to a larger

picture of the Irano-Jewish symbiosis. The synergy of these once isolated areas of study is what promises to revitalize both and send them off in new directions, appropriate for the new millennium.

Bibliography

Andreas, F.C. 1933. *Bruchstücke einer Pehlevi-Übersetzung der Psalmen*. Edited by K. Barr. Sitzungsberichte der Preussischen Akademie der Wissenschaften. Berlin: Akademie der Wissenschaften.

Bakker, E.J. 1997. *Poetry in Speech: Orality and Homeric Discourse*. Ithaca: Cornell University Press.

Gignoux, P. 2002. "Pahlavi Psalter." In *Encyclopædia Iranica*, online edition. New York: 1996–. Article published July 20, 2002. http://www.iranicaonline.org/articles/pahlavi-psalter.

Hoffmann, K., and J. Narten. 1989. *Der Sasanidische Archetypus*. Wiesbaden: Reichelt.

Humbach, H., and P. Ichaporia. 1994. *The Heritage of Zarathushtra: A New Translation of His Gāthās*. Heidelberg: Carl Winter.

Huyse, P. 1999. *Die dreisprachige Inschrift Šābuhrs I. an der Ka'ba-i Zardušt (ŠKZ)*. 2 vols. Corpus Inscriptionum Iranicarum, pt. 3, vol. 1, Texts 1. London: School of Oriental and African Studies.

Irani, D.J. 1998. *The Gathas: The Hymns of Zarathushtra*. Newton, MA: Center for Ancient Iranian Studies. http://www.zarathushtra.com/z/gatha/dji/The%20Gathas%20-%20DJI.pdf.

Jamasp, D.H., ed. 1907. *Vendidad: Avesta Text with Pahlavi Translation and Commentary and Glossarial Index*, vol. 1: *The Texts*. Bombay: Government Central Book Depôt.

JamaspAsa, K.M., and Y. Mahyar Nawabi, eds. 1979. Iranian Bundahišn and Rivāyat-i Ēmēt-i Ašawahištān, etc.: Ms. TD2, vol. 2. The Pahlavi Codices and Iranian Researches 55. Shiraz: Mu'assasah-'i Āsiyā'ī, Dānishgāh-i Pahlavī.

Kellens, J. 2010. *Études avestiques et mazdéennes*, vol. 3: *Le long préambule du sacrifice (Yasna 16 à 27.12, avec les intercalations de Visprad 7 à 12)*. Paris: De Boccard.

Kotwal, F.M., and P.G. Kreyenbroek, with J.R. Russell. 1992. *The Hērbedestān and Nērangestān*, vol. 1: *The Hērbedestān*. Studia Iranica 10. Paris: Association pour l'avancement des études iraniennes.

MacKenzie, D.N. 1989. "Kerdir's Inscription." In *The Sasanian Rock Reliefs at Naqsh-i Rustam: Naqsh-i Rustam 6, The Triumph of Shapur I*, edited by Georgina Herrmann, Iranische Denkmäler, Lief. 13, Reihe 2: Iranische Felsreliefs 1, 35–72. Berlin: D. Reimer.

Modi, J.J. 1937. *The Religious Ceremonies and Customs of the Parsees*. 2nd ed. Bombay: British India Press, Mazagon.

Morgenstierne, G. 1942. "Orthography and Sound-System of the Avesta." *Norsk Tidsskrift for Sprogvidenskap* 12:31–83.

Nagy, G. 1996. *Homeric Questions*. Austin: University of Texas Press.

Schmitt, R., ed. 2009. *Die altpersischen Inschriften der Achaimeniden: Editio minor mit deutscher Übersetzung*. Wiesbaden: Reichert Verlag.

Shaked, S. 2006 [published in 2010]. "Middle Persian Notes." *Bulletin of the Asia Institute* 20:47–51.

Sims-Williams, N. 1990. "Bulayïq." In *Encyclopædia Iranica* IV/5:545. http://www.iranicaonline.org/articles/bulayq-town-in-eastern-turkestan.
Skjærvø, P.O. 1983. "Case in Inscriptional Middle Persian, Inscriptional Parthian and the Pahlavi Psalter." *Studia Iranica* 12 (1):69–94; 12 (2):151–181.
–. 1985. "Thematic and Linguistic Parallels in the Achaemenian and Sassanian Inscriptions." In *Papers in Honour of Professor Mary Boyce*, vol. 2, Acta Iranica 25, 593–603. Leiden: Brill.
–. 1991. "Iranian Religious Terms in Pre-Islamic Central and Inner Asia." In "Chinese Turkestan ii. In Pre-Islamic Times," by V. Mair and P.O. Skjærvø, in *Encyclopædia Iranica* V/5:463–469. http://www.iranicaonline.org/articles/chinese-turkestan-ii.
–. 1995. "The Avesta as Source for the Early History of the Iranians." In *The Indo-Aryans of Ancient South Asia*, edited by G. Erdosy, 155–176. Berlin: Walter de Gruyter.
–. 1999. "Avestan Quotations in Old Persian?" In *Irano-Judaica IV: Studies Relating to Jewish Contacts with Persian Culture throughout the Ages*, edited by S. Shaked and A. Netzer, 1–64. Jerusalem: Ben-Zvi Institute.
–. 2003–2004. "The Antiquity of Old Avestan." *Nāme-ye Irān-e Bāstān: The International Journal of Ancient Iranian Studies* 3 (2):15–41.
–. 2005. "The Achaemenids and the *Avesta*." In *Birth of the Persian Empire*, edited by V.S. Curtis and S. Stewart, The Idea of Iran 1, 52–84. London: I.B. Tauris.
–. 2005–2006. "The Importance of Orality for the Study of Old Iranian Literature and Myth." *Nāme-ye Irān-e Bāstān: The International Journal of Ancient Iranian Studies* 5 (1–2):1–23.
–. 2007. "The *Videvdad:* Its Ritual-Mythical Significance." In *The Age of the Parthians*, edited by V.S. Curtis and S. Stewart, The Idea of Iran 2, 105–141. London: I.B. Tauris.
–. 2010. "On the Terminology and Style of the Pahlavi Scholastic Literature." In *The Talmud in its Iranian Context*, edited by C. Bakhos and M. Rahim Shayegan, 178–205. Tübingen: Mohr Siebeck.
–. 2011a. "Kartīr." In *Encyclopædia Iranica* XV/6:608–628. Online edition updated April 24, 2012. http://www.iranicaonline.org/articles/kartir.
–. 2011b. *The Spirit of Zoroastrianism*. New Haven: Yale University Press.
–. 2012a. "'If Water Had Not Been Made to Dry up, This Earth Would Have Been Drowned': Pahlavi **āwās-* 'to dry'." In *Language and Nature. Papers Presented to John Huehnergard on the Occasion of his 60th Birthday*, edited by R. Hasselbach and N. Pat-El, Studies in Ancient Oriental Civilization 67, 347–358, Chicago: The Oriental Institute of the University of Chicago.
–. 2012b. "Composition and Non-Literate Transmission of the Avesta: Questions to Be Asked and Tentative Answers." In *The Transmission of the Avesta*, edited by A. Cantera, Iranica 20, 3–48, Wiesbaden: Harrassowitz.
–. 2013. "Gathic Quotations in the Young Avesta." In *Le sort des Gâthâs et autres études iraniennes* In Memoriam *Jacques Duchesne-Guillemin*, edited by É. Pirart, Acta Iranica 54, 177–199, Leuven, Paris, Walpole, MA: Peeters.
Skjærvø, P.O., and Y. Elman. Forthcoming. "Concepts of Pollution in Late Sasanian Iran. Does Pollution Need Stairs, and Does It Fill Space?" *ARAM*.
Stein, M.A. 1907. *Ancient Khotan: Detailed Report of Archaeological Explorations in Chinese Turkestan*. 2 vols. Oxford: Clarendon Press.
Tavadia, J.C., ed. 1930. *Šāyast-nē-šāyast: A Pahlavi Text on Religious Customs*. Hamburg: Friederichsen, De Gruyter.

Vaissière, É. de la. 2006. “Chinese-Iranian Relations xiii. Eastern Iranian Migrations to China.” In *Encyclopædia Iranica*, online edition. New York: 1996–. Article published November 15, 2006. http://www.iranicaonline.org/articles/chinese-iranian-xiii.

Vevaina, Y. S.-D. 2005 [published in 2009]. “Resurrecting the Resurrection: Eschatology and Exegesis in Late Antique Zoroastrianism.” *Bulletin of the Asia Institute* 19:219–227.

–. 2007. “Studies in Zoroastrian Exegesis and Hermeneutics with a Critical Edition of the *Sūdgar Nask* of *Dēnkard* Book 9.” Ph.D. dissertation, Harvard University.

–. 2010. “ ‘Enumerating the Dēn’: Textual Taxonomies, Cosmological Deixis, and Numerological Speculations in Zoroastrianism.” *History of Religions* 50 (2):111–143.

Waters, M. W. 1999. “The Earliest Persians in Southwestern Iran: The Textual Evidence.” *Iranian Studies* 32:99–107.

Westergaard, N. L., ed. [1852] 1993. *Zend-avesta or the Religious Books of the Zoroastrians*. Copenhagen: Gyldendal, 1852. Reprint, Wiesbaden: Ludwig Reichert Verlag, 1993.

Zadok, R. 2001. “On the Location of NA Parsua.” *Nouvelles assyriologiques brèves et utilitaires* 2001/28:30–32.

Zhang Guangda. 2000. “Iranian Religious Evidence in Turfan Chinese Texts.” *China Archaeology and Art Digest* 4 (1):193–206

Zhang Zhan and Shi Guang. 2008. “A Newly-Discovered Judeo-Persian Letter” [Chinese]. *Journal of the Dunhuang and Turfan Studies* 11:71–99. 张湛 时光. 《一件新發現猶太波斯語信札的斷代與释读》, 《敦煌吐魯番研究》 第十一卷 (2008), 71–99 頁.

Shai Secunda

Rabbinic and Zoroastrian Hermeneutics: Background and Prospects

Over the past decade, Irano-Talmudic research[1] has focused on tracking intellectual objects as they embark on long and complicated journeys that transgress ethnic, religious, and cultural boundaries through the time and space of late antique Iran. If I am not mistaken, a deciding factor in Yaakov Elman's relatively recent entrance into Iranian studies and establishment of the current wave of Irano-Talmudica was his isolation of a Babylonian rabbinic theologoumenon of misfortune that seemed to have appeared in rabbinic literature *ex nihilo*.[2] Elman's further work on the interplay between fate and works in the Bavli,[3] Reuven Kiperwasser and Dan Shapira's research on the Bavli's incorporation of Iranian myth,[4] Geoffrey Herman's isolation of Iranian and Armenian literary motifs in talmudic stories,[5] and other such projects have proceeded similarly. The basic method is apparent especially when it comes to research on rabbinic law and its interaction with Zoroastrian ritual, wherein certain laws are studied against specific Zoroastrian parallels in order to account for their development.[6]

The theorizing of such exchanges has taken on a number of directions. On the one hand, the very use of the word "exchange" or "influence" in scholarly writing already betrays a certain view of things in which delimited communities emerge from an initial "isolation," encounter each other in a defined physical

[1] During the early years of academic Jewish studies in the nineteenth century, students of the Talmud looked to the Iranian context of the Babylonian Talmud to provide linguistic, historical, cultural, and religious data. Unfortunately, with the onset of the Second World War, and subsequently during much of the twentieth century, Talmudists largely ignored Iranian studies, which at the time constituted a relatively robust field of research. Fortunately, since the turn of the century Yaakov Elman has been instrumental in establishing an important subfield of Jewish studies that has come to be known as Talmudo-Iranica. Elman has produced cutting-edge research that hones in on the Talmud's Iranian context, and he has encouraged Talmudists to study Iranian languages (mainly Middle Persian) and forge contacts with Iranists so that they might read the Babylonian Talmud contextually. To a significant extent, the conference for which this paper was first written was imaginable only because of Elman's vision. For a schematic history of the field, see Secunda 2014.

[2] See Elman 1990, 1991, 1999.

[3] For preliminary remarks, see Elman 2007, 179–180.

[4] Kiperwasser and Shapira 2008, 2012.

[5] Herman 2008, 2012.

[6] For a recent example, see Kiel 2012.

location – such as by the rivers of Babylon – and emerge from the encounter somehow changed. Other theoretical models that continue to gain traction across the human sciences argue that these so-called "different" communities are actually in some senses already unified and hence mutually engaged in broad-based cultural production. In that case, one should not speak of influence wherein a kind of spark emerges from one culture to be absorbed by another. Rather, what we have are segments within a larger conglomeration that reflect different articulations of one larger endeavor.

The latter approach encourages scholars to look beyond the study of discreet ideas and examine modes of thinking that make these very intellectual objects possible.[7] One crucial, deep-thought structure common to all communities that possess large and established textual traditions, including Babylonian scribes, Zoroastrian priests, and Jewish rabbis, is the hermeneutical system that governs textual exegesis. Although the particulars of how societies read their texts may be seen by some as a form of semiotics and not intellectual history, it is basically semiotics that engenders intellectual history in text-centered societies. In this view, historical semiotics sets the agenda for intellectual history.

During late antiquity, scriptural interpretation constituted a highly-prized endeavor practiced by intellectual elites in the Roman and Sasanian empires. In the third century of the Common Era, humans had already been engaged in the sustained interpretation of revered texts for well over a millennium.[8] By late antiquity, hermeneutics as a discreet intellectual discipline had enjoyed centuries of ongoing focus in both Babylonian scribal culture and especially in classical Greek learning.[9] The formal study of hermeneutics had also been explicitly taken up by some of the Jewish interpretive communities that intersected with these traditions – most famously in Alexandria.[10] Notwithstanding the exegetical ferment in the first centuries of the Common Era, classical rabbinic midrash emerged as a noteworthy set of distinct reading practices with unclear origins and few close analogues.[11]

---

[7] In this I am referring to forms of inquiry that developed in the aftermath of structuralism that focus on culturally specific structures of meaning that exist prior to the idea itself. For a longer theoretical treatment of the issue in the context of Talmudo-Iranica, see Secunda 2014.

[8] For a useful introduction to ancient hermeneutics and their modern successors, see Bruns 1992.

[9] Ancient Indian commentarial literature constitutes another early hermeneutical project. Unfortunately, it lies beyond the purview of this article.

[10] For recent and important work on various Jewish hermeneutical frameworks in ancient Alexandria that reflect influence on or responses to Homeric scholarship, see Niehoff 2011.

[11] There are at least three basic approaches for those who suppose that rabbinic midrash could not have emerged on its own without engagement with external cultural forces: (1) Saul Lieberman and David Daube are credited with first articulating the possibility of Greek influence. For bibliography and more recent work in this direction, see Furstenberg 2012 and Paz 2012. (2) A number of scholars have suggested continuity between the exegesis found in the Dead Sea Scrolls and rabbinic midrash. See the classic statement of Kister 1998, though cf. Fraade 1998.

Regardless of its sources, over the following centuries rabbinic biblical exegesis developed further, both in Roman Palestine where it originated, and in the other great rabbinic center in Babylonia, which was then ruled by the Sasanians. It is in Sasanian Iran that we encounter an interpretative posture that parallels rabbinic scriptural exegesis in fascinating and novel ways. Importantly, here the "Scripture" in question is not the Hebrew Bible shared by Jews and Christians, nor even the New Testament that – for Christians – came in its wake; rather, it is the ancient Iranian work known as the Avesta. The fact that Zoroastrian exegesis of the Avesta is performed on a scriptural corpus completely independent of its rabbinic counterpart allows us to focus on shared hermeneutical elements without getting caught up in shared scriptural heritage.

The modest goal of this article is to begin to consider what Zoroastrian avestan exegesis found in Middle Persian literature might teach us about the neighboring Babylonian rabbinic biblical hermeneutics preserved in the Babylonian Talmud. This will require a description of avestan exegesis, its institutions and methods – a time-consuming task. Accordingly, I will be able to cite only a few examples and suggest a single line of inquiry that will hopefully provide a preliminary framework – and indicate some of the important matters we need to focus on – as we embark on this research.[12]

Avestan Transmission and Interpretation

What do we know about avestan interpretation and, for that matter, Zoroastrian religious study? In certain respects, these two interconnected questions are themselves related to the phenomenon of avestan transmission. The Avesta was transmitted orally from the moment of its inception in two basic modes: the first, prior to crystallization, consisted of a series of "recomposed performances" by avestan poets, and the second, following crystallization, employed a rigid technology of memorization and transmission. Since the Avesta can be divided linguistically into Old Avestan – a language apparently in use in the second half of the second millennium BCE – and Young Avestan – which seems to have been used in the first half of the first millennium BCE – it is clear that the Avesta as a whole underwent these processes in at least two separate stages.[13]

One early facet of the interrelation between Avestan transmission and interpretation can be illustrated by the appearance of submerged Old Avestan

(3) Some have suggested a Babylonian origin. For a recent articulation of this view along with bibliography, see Gabbay 2012 and his contribution to this volume.

[12] I am currently preparing one such article based on work done in a Jerusalem-based Pahlavi reading group consisting of Dr. Domenico Agostini, Ms. Eva Kiesele, and myself.

[13] For fuller treatment, see P. Oktor Skjærvø's discussion in this volume.

citations transmitted within Young Avestan texts. In such cases, an original Old Avestan sentence or phrase is preserved, and in some senses interpreted, within a Young Avestan work. For example, in the fifth chapter of the *Vīdevdad* – a Young Avestan text concerned mainly with the laws of ritual impurity – it is described how Ahura Mazdā cleanses the world's impurities by releasing upon it the waters of the heavenly ocean. The Young Avestan "interpretation" of this line actually reflects a completely new understanding and application of an Old Avestan text.[14] Young Avestan quotations of Old Avestan texts thus constitute the earliest form of avestan exegesis and are in some senses similar to inner-biblical interpretation.[15] As with the inner-biblical interpretation that some scholars have deemed an early form of midrash, Young Avestan exegesis of the Old Avesta may be seen as heralding the form of Avestan exegesis that frequently appears in Middle Persian literature.[16]

The Context and Contours of Avestan Study

Textual interpretation often takes place within an environment of technical scholarly learning, be it scribal, jurisprudential, or ritual. The earliest source

[14] *Vīdevdad* 5.21

…

yaožδå maṣiiāi aipī zqϑəm vahištā

hā yaožδå zaraϑuštra yā daēna māzdaiiasniš

"you make the best things ritually pure for man(kind) after birth"

Purify her, O Zarathustra: the Mazdayasnian Daēnā

(Translation from P. Oktor Skjærvø's electronic edition).

Regardless of its original sense, it seems clear that *Vīdevdad* 5.21, along with another citation of the line at *Vīdevdad* 10.18, constitutes a new interpretation of the Old Avestan text. I am preparing a longer treatment of this section of the *Vīdevdad* and its interpretation and application in Pahlavi literature for publication in the near future.

Note that the original Old Avestan text (*Yasna* 48.5) differs slightly from the text cited in the *Vīdevdad*, having *maṣiiå*, "mortal women," in the oldest manuscripts ("you purify mortal women") instead of *maṣiiāi*, "for mortal man," as in the later manuscripts and the *Vīdevdad*. The line has received many modern interpretations (all based on the reading *maṣiiāi*), but need not concern us here. What is important is that the adjective *vahištā*, which in the Gathic text is neuter plural ("best (thing)s") and goes with the text that follows, has been interpreted as feminine singular and is thought to refer to the Mazdayasnian *Daēnā*. The exact meaning of this term (to the Young Avestan authors) is also not certain. In the later Zoroastrian literature, it refers to the sacred tradition, which may be the sense here as well. The second line, in Young Avestan, is ungrammatical and can be understood in two ways: Either *hā*, "she," as nominative subject is correct (and *yaožδå*, "you purify," is wrong), which gives "she, the Mazdayasnian *Daēnā* purifies, O Zarathustra"; or *yaožδå*, "you purify," is correct (and *hā* nominative is wrong), which gives "you purify her, O Zarathustra, the Mazdayasnian *Daēnā*." I am grateful to P. Oktor Skjærvø for this discussion.

[15] See Skjærvø's contribution in this volume. For orientation regarding inner-biblical interpretation, see Fishbane 1996 and Harris 1996.

[16] See Vevaina 2007, 2010.

that discusses Zoroastrian religious learning at length is the Young Avestan work known as the *Hērbedestān* (Place of priests), a rather fragmentary text that has proven extremely difficult to decipher.[17] The *Hērbedestān* is concerned with the rules of pursuing priestly studies (Avestan *aθaurunəm*), but it unfortunately provides only a very limited window into what those studies actually consisted of. The majority of the work is concerned mainly with the preliminaries of religious learning, and it deals with such matters as who should pursue priestly study, how far and for how long one must travel to find a teacher, what type of teacher may one study with, and what type of student may one teach. The text makes clear that priestly study primarily consists of the memorization of liturgical texts, and that the sins of the *hērbedestān* consist of not learning when one is able to, not properly preparing the mind to study, and "losing" (*vīraoδaiieiti*) – i. e., forgetting – the material that one has already learned.

Aside from some largely idealized depictions of Persian study in classical literature, we know next to nothing about Zoroastrian learning in Achaemenid, Seleucid, and Parthian times.[18] The curtain only begins to lift during the Sasanian era when we again encounter an emphasis on faithfully memorizing the Avesta. A number of ninth-century Pahlavi texts with roots in late antiquity encourage the memorization of the *dēn* – a multivalent term that in this context refers to the entire sacred textual tradition – and extolling those devoted souls who have managed to master it.[19] The emphasis on memorizing the Avesta is echoed in non-Zoroastrian Aramaic sources as well, where Jews and Christians characterize and caricature Zoroastrians at study. One popular proverb preserved in Jewish Babylonian Aramaic equates reciters of rabbinic material known as *tannaim* with Zoroastrian magi who murmur their teachings yet do not understand them.[20] The Semitic verbal root used for murmuring in this source is *rṭn*, which also shows up in Syriac depictions of Zoroastrian learning. Some of these Christian texts preserve fascinating pictures of the technologies of Zoroastrian "murmuring," such as students following their teacher around from one place to another while reciting texts, or a young pupil reciting while moving his head

[17] For an important, brief introduction to this work and its many challenges, see Macuch 2005 [2009], 91.

[18] For a discussion of most of the classical Greek and Latin texts that deal with this topic, see Jong 1997, 441–451.

[19] For the classic treatment of orality in Zoroastrianism, including many of the Pahlavi texts referred to here, see Bailey 1971, 149–176.

[20] See bSot 22a:

רטין מגושא ולא ידע מאי אמר תני תנא ולא ידע מאי אמר

"The magus mumbles and knows not what he says; the (rabbinic) reciter recites and knows not what he says."

rhythmically – not unlike the practices of Orthodox Jewish Talmud students to this day.[21]

There is no doubt that avestan recitation and memorization were central activities in Zoroastrianism. Nevertheless, it is also clear that memorization comprised but one aspect of Zoroastrian religious study. In a number of sources and indeed in the shape of the manuscript tradition itself, we find textual transmission of the type just described and avestan interpretation, which we will now look at, to be closely linked. One oft-cited and instructive passage on the subject of Zoroastrian religious learning can be found in a short Middle Persian specimen of courtly literature entitled *Xusrōy ud Rēdag* (Xusrōy and his lad). In this text, an aspiring young man boasts of his accomplishment at study (*frahang*) to the sixth-century Sasanian king Khusrau I (r. 531–579):

> *u-m yašt ud hādōxt ud *baγān-yasn ud jud-dēw-dād hērbedīhā warm gyāg gyāg zand niyōxšīd estād*
>
> I memorized like a *hērbed* the *Yašt*, the *Hādōxt*, the *Baγān Yasna*, and the *Videvdad*, and listened, passage by passage, to the Zand.[22]

The young man claims to have memorized (*warm*) a rather impressive chunk of the Avesta. He also recounts how he had listened (*niyōxšīd estād*) to the Zand – the Middle Persian rendition of the Avesta. By this point we have a fairly clear picture of what memorizing Avestan texts entails. But what is meant by "Zand" and why was it *listened* to?[23] In the late nineteenth century, scholars suggested that the word "Zand" derives from an Avestan term meaning commentary or interpretation.[24] While it clearly is a work of interpretation, the Zand nevertheless does not conform to classical Western commentarial forms. Instead, it is a kind of interpretive play in three acts: immediately following avestan verses written in the original, the Zand provides (a) a direct Middle Persian translation; (b) brief explanatory glosses that clarify and interpret this translation; and (c) longer, related discussions that sometimes refer back to the scriptural text, though they occasionally include legal rulings and debates without an obvious connection.[25]

---

[21] For further discussion of Zoroastrian and rabbinic learning techniques and study culture, see Secunda 2005 [2009] and Vidas 2009.

[22] Text based on Monchi-Zadeh 1982 with some changes. For further critical notes on this passage, see Shaked 2004, 334–335.

[23] It should be acknowledged that the text's distinction between memorizing the Avesta and listening to the Zand is unique. Many sources, like the *Dādestān ī Dēnīg* (Judgments of the *Dēn*, i. e., the Sacred Tradition), discuss memorizing (*warm kardan*) the Zand either together with the Avesta or separately.

[24] For a summary of the research, see Cantera 2004, 1–13. For further discussion and another suggestion, see Skjærvø 2008, 1–2.

[25] This describes the Zand in its classic form, though other formats have also survived. These include works like the *Bundahišn*, a cosmological text that seems to almost seamlessly incorporate passages from the Zand into its own literary scheme; and the descriptions and epitomes of lost Avestan books, including the Zand, preserved in the eighth book of the encyclopedic

The Zand comes down to us in medieval manuscripts that can be traced back via colophons to the year 1000 CE. Nevertheless, there is evidence that it was composed hundreds of years earlier, during Sasanian times. I recently attempted to demonstrate that many of the most important exegetes named in the Zand are either directly or indirectly linked to King Khusrau I and thus can be dated to the sixth century CE.[26] The passage most important for my reconstruction there is as follows:

> *pad zand ī wahman yasn ud hordād yasn ud aštād yasn paydāg kū *ēw bār gizistag mazdak ī bāmdādān ī dēn petyārag ō paydāgīh āmad u-šān petyārag pad dēn ī yazdān kard. ud ān anōšag-ruwān xusrōy ī māh-dādān ud weh-šāhpūr dād-ohrmazd ī ādurbādagān dastwar ud ādurfarrbay ī a-drō ud ādurbād ādur-mihr ud baxt-āfrīd ō pēš xwāst. u-š paymān aziš xwāst kū ēn yasnīhā pad nihān ma dārēd bē pad paywand ī ašmā zand ma čāšēd awēšān andar xusrōy paymān kard*
>
> In the Zand of the *Wahman Yasn* and *Hordād Yasn* and *Aštād Yasn* it is manifest that, one time, the accursed Mazdak son of Bām-Dād, the adversary of the religion, appeared. And they (i. e., his followers) brought adversity to the religion of the gods. And Khusrau of immortal soul (i. e., Khusrau I) summoned before him <?>[27] son of Māh-Dād, Weh-Šāpūr, Dād-Ohrmazd the dastwar of Azerbaijan, and Ādurfarrbay the deceitless, and Ādurbād, Ādur-Mihr, and Baxt-Āfrīd. And he requested a pact of them: Do not keep these *Yasna*s in concealment, yet do not teach the Zand outside your offspring. They made an agreement with Khusrau.[28]

The text differentiates between the Avestan *Yasna*s, regarding which the king exhorts the priests: "do not keep these *Yasna*s in concealment" (*ēn yasnīhā pad nihān ma dārēd*), and the Zand, of which they are told "do not teach the Zand outside your offspring" (*pad paywand ī ašmā zand ma čāšēd*). Significantly, other Middle Persian sources point to Khusrau I's rule as the period during which certain important developments, attributed to a certain Weh-Šāpūr, occurred in the formation of the Zand. As I described in my article on the topic, the priests who allegedly attended Khusrau I's council are directly and secondarily associated with the most important Zoroastrian exegetes in Pahlavi literature, and thus seem to have flourished around the beginning of the sixth century. Although the named rabbis of the talmudic period – the so-called *amoraim* – were no longer active at that time, the sixth century constituted a crucial period of development for the production of the Talmud.

Middle Persian work, the *Dēnkard*. For an example of scholarship on the latter, see Vevaina 2007 on survivals of Zand on the *Gāθās*.

[26] Secunda 2012.

[27] The text indicates that Māh-Dād is a patronym, yet no name (other than King Khusrau's) occurs before it.

[28] Zand ī Wahman Yasn 2 [MSS K20 130r; DH 231r]. Cf. Cereti 1995, 134 (transcription), 150 (translation). For a transcription, translation, and notes on the text, see Secunda 2012, 322–323.

In the above-quoted text, the Zand is described as being taught (*čāš*-) to a close (familial) group, and not merely recited, as we might imagine the king had in mind for the *Yasna*s. Indeed, we know Zoroastrian sages like the authority Mēdōmāh, who had collections of teachings known as ***čāšt***a*g*s (literally "teachings") in which they transmitted their own version of the text with a received translation, explanation, and in time, discussions between other authorities.[29] This echoes the way Khusrau I's court servant describes memorizing the Avesta, but *listening* to the Zand section by section. Together, these sources may reflect the "scholastic" environment of studying the Zand – one which is different from the constant recitation of a crystallized avestan text.[30] And based on the form in which the classic Zand has come down to us, we might surmise that the experience of studying the Zand was one where students would *listen* to their master recite and translate the avestan text, gloss its difficult and problematic terms, and then cite debates between authorities about related matters in collections of teachings.

Scriptural Reinterpretation and Religious Conflict

Any interpretive community that attempts to render its revered texts coherent, meaningful, and somehow relevant brings to the task an array of interpretive approaches. The first challenge that must be overcome relates directly to linguistic gaps. In the case of rabbinic and Zoroastrian scriptural interpretation, both the Bible and Avesta survive in language(s) not spoken by their late antique interpreters. Although this subject lies beyond the scope of the present article, there is little doubt that examining the Aramaic Targumim and Middle Persian translations of the Avesta is crucial for achieving a deep understanding of late antique Zoroastrian and Jewish hermeneutics. Subsequent to translation are the basic explanatory glosses that clarify obscure or difficult terms and which appear both in midrash and in the Zand. These too are significant first and foremost because of the difficulties of language. The Middle Persian translation of the Avesta is often slavishly literal and quite different from Middle Persian as it was normally used, even in the scholastic register of Zoroastrian priestly studies. Similarly, although the rabbis composed texts in Rabbinic Hebrew, the Bible is written in Biblical Hebrew, and in any case is often elliptical. Glosses help the reader achieve a basic understanding of the translated yet still incomprehensible text.

[29] See Secunda 2012, 344, and references.

[30] Of course, ultimately one should stress that prior to the ninth century, the Zand seems to have been transmitted orally as well. It never once refers to itself as a written text and all the verbs and nouns employed to describe its transmission seem to reflect an oral context. See Secunda 2010b. Also, note that here too the boy does not say that he *read* the Zand, rather that he listened (*niyōšidan*) to it.

It is important to repeat the truism that translations and glosses are often anything but innocent attempts to close linguistic gaps. Shifts between the original meaning and the translated sense constitute important sites for understanding hermeneutical assumptions. As an example, witness the following text from the third chapter of the *Videvdad*, again a work primarily concerned with the laws of ritual purity, but which has a kind of "mythical" frame at its beginning and end.[31] *Videvdad* 3.5–6 describes the locations at which the Earth is fourth and fifth happiest.

(Avesta:) *dātarə gaēϑanąm astuuaitinąm aṣ̌āum kuua tūirīm aŋ́hå̊ zəmō ṣ̌āištəm āaṯ mraoṯ ahurō mazdå̊ yaṯ bā paiti fraēštəm us.zizəṇti pasuuasca staorāca*

dātarə gaēϑanąm astuuaitinąm aṣ̌āum kuua puxδəm aŋ́hå̊ zəmō ṣ̌āištəm āaṯ mraoṯ ahurō mazdå̊ yaṯ bā paiti fraēštəm maēzəṇti pasuuasca staorāca

Orderly Creator of the material living beings! Where fourthly in this earth is there most happiness? Ahura Mazdā said: Wherever animals, small and large, defecate the most.

Orderly Creator of the material living beings! Where fifthly in this earth is there most happiness? Ahura Mazdā said: Wherever animals, small and large, urinate the most.

(Middle Persian:) "*dādār ī gēhān ī astōmandān ī ahlaw kū tasum ēn zamīg āsāntom*"
kū mēnōg ēn zamīg āsānīh az čē wēš
"*u-š guft ohrmazd kū pad ān abar frahist ul zāyēnd pah ud stōr*"
"*dādār ī gēhān ī astōmandān ī ahlaw kū panǰom ēn zamīg āsāntom*"
kū mēnōg ēn zamīg āsānīh az čē wēš
"*u-š guft ohrmazd kū pad ān abar frahist mēzēnd pah ud stōr*"
ān gyāg kū padiš parwarēnd

"Orderly Creator of the material living beings! Where fourthly is this Earth most at peace?"
That is: the spirit of the earth is more peaceful than (any)thing?
"And Ohrmazd said: On that (place) where sheep and cattle give birth."
"Orderly Creator of the material living beings! Where fifthly is this Earth most at peace?"
That is: The spirit of the earth is more peaceful than (any)thing?
"And Ohrmazd said: On that (place) where sheep and cattle suckle (*mēzēnd*)."
(That is,) the place on which they nurse.[32]

The Avesta states that the earth is "fourth and fifth happiest" where animals fertilize the ground – where they *us.zizəṇti* (defecate)[33] and *maēzəṇti* (urinate). The Zand, however, employs a subtle translation strategy aimed at shifting the meaning of the text so that it refers to places where animals give birth to and

[31] Skjærvø 2007.

[32] The translation of the avestan text is adapted from Skjærvø 2011b, 222. The Middle Persian translation is my own. I have placed quotation marks around the direct Pahlavi translation of the Avesta so that the reader can appreciate the distinction between these translations and the Zand's glosses.

[33] Normally "leave (behind)," but in the current context, "excrete." See Kellens 1984, 214.

suckle their offspring. It does this by glossing the Pahlavi verb *mēzēnd* used to render Avestan *maēzəṇti* (urinate) as if *mēz-* was the present participle of the verb *mēzīdan*, "to suckle," and not *mistan*, "to urinate."[34] Similarly, and perhaps as a result of this shift, *us.zizəṇti*, "(they) defecate," is rendered by *ul zāyēnd*, "(they) give birth," instead of by a word that expresses defecation. Grammatical matters aside, it would seem that the impetus for the Zand's new translation is a shift in the valence of excretions in Zoroastrianism. In the rural, seminomadic milieu reflected in Young Avestan texts, defecating animals could more easily symbolize fertility and thus constitute a site of the earth's happiness.[35] In the Sasanian era, perhaps on account of urbanization or due to certain unconnected developments in the purity laws, excretion was attributed almost solely to the intrusion of evil in the world.[36] The reinterpretation of scripture in light of cultural or theological shifts is nothing new, and it can be found in interpretive communities of all stripes, including rabbinic exegetical literature. Rabbinic midrash abounds with shifts large and small that attempt to bring the Bible in line with rabbinic theological, ritual, and even "aesthetic" assumptions. This phenomenon is known as "rabbinization" and has been widely documented.[37]

Just as the interpretation of scripture can bring a revered text in line with the current outlook, it can also challenge the present power structure by suggesting that it has strayed from its scriptural roots. Sasanian Iran saw its share of exegetical battles fought over the meaning of the Avesta. In the third-century inscriptions of the Zoroastrian high priest Kerdir, we find that Manichaeans are called *zandīg*s.[38] This designation apparently refers to Mani's efforts to tailor his new religion to a Zoroastrian audience by providing a new "interpretation" – or Zand – of the Avesta.[39] A similar controversy is located in the fourth century CE when, under the direction of Shapur I (r. 309–379), the Zoroastrian high priest Ādurbād son of Mahrspand supposedly emerged victorious in debate against two types of heretics: "regular" ones known as *jud-ristagān* (literally, "those with different ways"), and exegetically driven heretics called *nask-ōšmurdārān-iz ī jud-ristagān*, or "Nask (Avestan textual "bundles")-studying heretics":

[34] This is possible since both verbs share *mēz-* as their present participle. They apparently derive, however, from two different Iranian roots: *Hmaiz (to urinate) and *maič or (*mač?) (to suckle). See Cheung 2007, 179, 257–258.

[35] On the complex valence of urine in Old Iranian and Indo-Iranian texts, see Skjærvø 2003.

[36] See Choksy 1989, esp. 78–80, 87–88.

[37] Gafni 2007.

[38] On the inscriptions, see especially Skjærvø 2011a.

[39] For a recent discussion of these sources, see Rezania 2012. Interestingly, Augustine complained that Manichaean hermeneutics were strictly literal and devoid of any exegetical genius. Significantly, however, he was not referring to exegesis of the Bible or the Avesta, but of Mani's own scripture. See BeDuhn 2000, 71.

*šābuhr ī šāhān šāh ī ohrmazdān hamāg kišwarīgān pad pahikārišn ābān āhōg kardan hamāg gōwišn ō uskār ud wizōyišn āwurd pas az bōxtan ī ādurbād pad gōwišn ī passāxt abāg hamāg awēšān jud-*ristagān*[40] *ud *nask-ōšmurdārān-iz ī jud-ristagān*

Shapur (II), king of kings, son of Ohrmazd, brought everything that was said up for discussion and examination in the dispute with all of the countrymen regarding what constitutes "contamination of the waters(?)." After Ādurbād escaped unharmed by the word of the ordeal, he said this too (in dispute) with both those (regular) heretics and Nask-studying heretics …[41]

Interestingly, the term *nask-ōšmurdārān* is related to another term in Kerdir's inscriptions, although this one is wholly positive. Kerdir boasts about a program of religious study called *dēn-ōšmurišn*, or the enumeration of the *dēn*. As Yuhan Vevaina has shown, *dēn-ōšmurišn* constituted a broad attempt to organize the entire Zoroastrian sacred tradition (*dēn*) according to the twenty-one words that comprise Zoroastrianism's most sacred prayer, the *Yaθā Ahū Vairiiō*.[42] The project seems to have employed a "relentlessly allusive" intertextual hermeneutic that leaned towards eschatology.

More than a century after Ādurbād is described as achieving victory against Nask-enumerating heretics, we hear of the Mazdakite uprising. It has been suggested that Mazdak's revolt was powered by exegesis just as much as by economic disparity. In a captivating article, Dan Shapira recently attempted to reconstruct the heterodox "Zand" that may have supplied Mazdak with scriptural prooftexts.[43] The common denominator shared by much of the proposed Mazdakite exegesis is its creativeness on the one hand, and yet its insistence that the Avesta can indeed serve as a source for its radical ideas, on the other. It is no wonder then that Khusrau I, in the council quoted above, requested that Zoroastrian priests keep the Zand away from the public. Indeed, the view that the Zand represents a public hazard seems to lie at the heart of the long passage now preserved in the *Dēnkard* that emerged from Khusrau I's court.[44] This text seems to function as an analogue to the better-known "end of dialogue" in Western late antiquity.[45]

---

[40] Ed. Dresden (mistakenly?) records *sridagān*.

[41] *Dēnkard* Book IV, 20 [ed. Madan 413; ed. Dresden 322]. The translation is based on Skjærvø 2011b, 42.

[42] Vevaina 2000.

[43] Shapira 2005–6.

[44] *Dēnkard* Book IV:14–25 [ed. Madan 411–415; ed. Dresden 320–324]. Notably, the description of Ādurbād's battle against the heretics is taken from this passage. The text has been edited and translated numerous times. For a recent translation of most of the passage, see Skjærvø 2011b, 40–43.

[45] See, for example, Dēnkard Book IV.22:
bē dānist ōšyārān pad uskārišn ōstīgīhā tuwān bē pad gētīy dīd ud abardar abzōnīg ud pasxrad būd mādayān nē pad uskār bē pad abēzagīh menišn gōwišn ud kunišn ud weh-mēnōy-wāzišnīh mānsrīg abēzagīhā ēzišn ī yazdān šāyēd

In each of these exegetical moments, we do not seem to be dealing with a basic rendition of the Avestan text, or even one that slightly adapts the Avesta to cultural or religious changes, but rather one that somehow perceives within the Avesta a source of profound instruction that may be only hinted at in the text itself. To put this in somewhat inexact Jewish terms, we have an acknowledgment of the presence of *derash* in Zoroastrian tradition.

If the history of religions has taught us anything, it is that controversies over the meaning of scripture sit at the center of much religious tension, creativity, and revolution. Researching the social and theological impulses that powered late antique Zoroastrian exegesis will bring us closer to understanding the hermeneutical structure that made the development of Zoroastrian ideas possible.[46] And it might also help us understand some of the dynamics of intra-Jewish debate over scripture in Babylonia.

I recently suggested that the large number of stories in the Bavli about rabbis and heretics (*minim*) – although they mainly describe encounters that allegedly took place in Roman Palestine – may very well have been transmitted and reworked in Babylonia precisely because it was a site of tension over the meaning of the Bible and the limits of its interpretation.[47] If this claim is correct, it may be worth looking for cross-cultural reasons that account for exegetical tension in Sasanian Iran. The social context of debates about the interpretation of scripture would seem to constitute one fruitful arena of comparative research into Sasanian Zoroastrian and rabbinic hermeneutics.

Between Plain Sense and Omnisignificance

The claims and counterclaims of these "renegade" exegetes and their orthodox respondents also remind us that scriptural hermeneutics often operate at a certain distance from the "plain sense" of the text. Although we know from the modern study of hermeneutics that this "plain sense" is itself a construct, I use the term in the present discussion in opposition to the meaning that interpreters often strive for when they conceive of the text that they are interpreting as divine and thus semiotically "loaded." In other words, many ancient scriptural interpreters conceived of their exegetical project as somehow distinct from the reading of, say, royal edicts. Thus, they assumed a hermeneutical strategy distinct from the

"But it is not principally by examination that it is seen in this world to be superior and to make things increase; rather, it is possible by purity of thought, speech, and action and by sacrificing to the gods while uttering well, in pure fashion, the divine word as it was spoken in the other world."

[46] This project is currently being pursued by Yuhan Vevaina. In addition to his work on *dēnōšmurišn*, cited above, see also, for example, Vevaina 2010.

[47] Secunda 2010a.

hermeneutics of the everyday. Zoroastrian and rabbinic exegetes seemed to have developed and applied a mode of exegesis that is essentially unique to rabbinic and Zoroastrian legal texts and has been termed "omnisignificant exegesis."

James Kugel coined the term "omnisignificance" to describe the basic hermeneutical assumptions of rabbinic exegesis of the Bible, and his insights also apply to other forms of scriptural interpretation.[48] Kugel refers to four factors at work in this approach, namely (a) that the Bible is a fundamentally cryptic document in need of interpretation; (b) that it is deeply relevant; (c) that it is perfect and harmonious; and (d) that it is somehow divinely sanctioned. All of these aspects point to a semiotic register that is "higher" and denser than other texts. Kugel remarks how an omnisignificant posture leads to a form of reading that attempts to account for every detail in the text, for if a text is fundamentally relevant, one cannot assign aspects of its articulation to mere style or chance. In further research on omnisignificance in rabbinic literature, medieval biblical exegesis, and modern biblical commentaries, Yaakov Elman describes how the term is a marker for an exegetical program that remained a goal but was never actually realized.[49]

The intertextual mythologizing and eschatological interpretations of the non-legal parts of the Avesta are also in certain respects omnisignificant. Yet, as regards to legal works, both rabbinic and Zoroastrian hermeneutics share a particular cast that realizes the omnisignificant principle in fascinating and similar ways. I would like to look at some examples of this principle at work.

The first illustration is from the laws of menstrual impurity that appear in the sixteenth chapter of the *Videvdad*:

> "*dādār ka andar mān ī mazdēsnān nāirīg ī čihragōmand*" – *kū zard* "*daxšagōmand*" – **tahīgōmand* "*xōnōmand*" [50] – *daštān* "*nišīnēd*"
>
> "Creator (…)! If in a house of Mazdayasnians a woman with signs (*čihrag*)" – That is, yellow (discharge), "with menses (*daxšag*)" – (that is,) **tahīg* (discharge),[51] "with blood (*xōn*)" – (That is, regular) menstruation "sits down."[52]

The point of the avestan text is apparently, simply, to describe a woman who has discovered that she is menstruating so that it can then detail how to deal with the

---

[48] Kugel 1981, esp. 104.

[49] See for example Elman 2004.

[50] The MSS omit the Pahlavi translation of Avestan vohunauuaiti; in other versions of this triad (16.5, 16.5, 16.14, and 16.17), the gloss appears as *xōnōmand*.

[51] The reading of this word is difficult. MS L4 records *tyhg!'n'!'wmnd* | K1 (Copenhagen): *tyhk'wmnd* | IM (according to Jamasp 1907): *tyhg'wmnd*. The suggested reading of *tahīgōmand* is based on comparison with a similar word at 16.2.4, 16.2.8, and 16.11.2. However, this is only a tentative reading and more work needs to be done on this difficult term.

[52] The text is based on L4 (British Museum), accessed through Alberto Cantera's indispensable Avestan Digital Archive (http://ada.usal.es/). I have placed the direct Pahlavi translation of the Avesta in quotation marks and marked the glosses with a dash.

menstrual impurity. In a style typical of avestan poetics, the Avesta employs a triplet to describe the situation: The women is (a) with signs; (b) with menses; and (c) with blood. The Pahlavi exegete reacts to this redundancy, since a sacred text cannot possibly be indulging in mere aesthetic fanfare, and assigns a separate meaning to each of the terms: "signs" refers to a yellowish discharge, "menses" refers to a different kind of discharge,[53] and "blood" refers to regular menstruation. Just as we find in rabbinic law, this exegetical palette of genital discharges is ritually significant in Zoroastrian ritual. An expansion on the text determines that different discharges all render the woman impure:

> *zan kē daštān ēg-iš az nišān daštān būdan ud čē ud čand ud čiyōn. ka-š xōn ēg-iš daštān grāy ud ka-š hambun-iz zardīh ud daxšag zardīh ka-š xōn hambun-iz wašt u-š nam ēdōn čihrag paydāg ēg-iz daštān az ān gyāg paydāg az abestāg paydāg čihragōmand ud daxšagōmand ud zard *gōn*[54] *xōnōmand ān ī grāy čand-iš hambun-iz čiyōn-iš ēn čē-š jud-dādestānīh ēn harw sē gōn ka hambun-iz suxr ayāb zard ayāb gōnag wašt ēstēd ka-iz *ō sabzīh ud *asēmēn gōnīh wašt ēstēd ā-iz ēdōn.*
>
> A woman who is a menstruant, then from the sign of menstruation she becomes (a menstruant). What, how much, and how? If there is blood, then it is serious menstruation. And if even a little is yellow and there is indication of yellow, if even a little blood has changed and there is moisture this is like the appearance of *čihrag*. Then too, menstruation is evident from that place. It is evident from the Avesta: "(If a woman) is of *čihrag*, *daxšag* [yellow color], of blood [that is the serious one]."[55] How much (makes her impure)? Even a little bit. The "how" is what has a disagreement regarding it.[56] All these three colors, if even a little is red or yellow or the color has changed. When it has changed to greenness or "silver-coloredness" then too it is like (menstruation).[57]

Interestingly, the Sifra, the halakhic midrash on Leviticus composed in Palestine sometime toward the beginning of the third century CE, claims that the rabbinic taxonomy of colors is similarly derived from a kind of perceived redundancy

---

[53] For some preliminary thoughts on what this may be, see Secunda 2008, 144–146.

[54] *gōn*] Ms kwn.

[55] Notice the differences between ZFJ's text of the PV 16.1 and the version that has come down to us in PV. The only gloss that stays the same is that which is added to *xōnōmand*. Both PV and ZFJ interpret this word as referring to regular menstruation (*daštān*), and ZFJ emphasizes that it is of serious impurity (*grāy*). On the other hand, PV 16.1 glosses *čihragōmand* and not *daxšagōmand* as *zard* (yellow), while in ZFJ this is reversed. Additionally, ZFJ does not include *tahīg* as a gloss, and apparently understands *čihrag* as some kind of genital moisture, though this is not fully clear.

[56] It is not entirely clear what the difference between the *čē* and the *čiyōn* is here. Also, it is unclear what the disagreement is about.

[57] The passage is from *Zand ī fragard ī jud-dēw-dād*, MS TD2 564. This lengthy Pahlavi legal text is in the process of being edited, translated, and prepared for publication by an international group of scholars including Yaakov Elman (Yeshiva University), Götz König (Freie University of Berlin), Mahnaz Moazami (Encyclopaedia Iranica), P. Oktor Skjærvø (Harvard University), and a Jerusalem-based team that includes Domenico Agostini, Eva Kiesele, and myself.

in the biblical text. The verse from Leviticus interpreted by the midrash is as follows:

ואיש אשר ישכב את אשה דוה וגלה את ערותה את מקרה הערה והיא גלתה את מקור **דמיה** ונכרתו שניהם מקרב עמם׃

And if a man should lie with a woman having her [menstrual] infirmity, and uncover her nakedness – he has made naked her source, and she has exposed the source of "her bloods" – both of them shall be cut off from among their people. (Lev 20:18)

The Sifra contains the following exegetical sequence.

… אי דם אין לי אילא מראה דם אחד כשהוא או׳ דמיה מלמד שדמים הרבה טמיאים בה האדום והשחור וכקרן כרכום וכמימי אדמה וכמזוג בית שמי אומרים אף כמימי תלתן וכמימי בשר צלי ובית הילל מטהרין

… If [the verse had only said] "blood," I [would] only know one type of blood. When it says "her bloods" [this] teaches that many [types of] blood are impure in her: That [which appears] red, black, like saffron, like muddy waters, and like diluted wine. The House of Shammai says even like fenugreek water, and like the juice of roasted meat. The House of Hillel declares [these] pure.[58]

Specifically, the Pentateuch forbids menstrual sex by stating that by sleeping together during menstruation, the couple exposes the source of the woman's bloods (*dameha*, "her bloods"). The use of the plural word "bloods" presents itself to the rabbinic interpreter as redundant, and thus must point elsewhere – to the different discharges that make up rabbinic "blood science." A hermeneutic system that is intolerant of redundancy – a feature shared by Zoroastrian and rabbinic exegesis – encourages both communities of interpreters to find in scripture a treatment of genital discharges as they relate to rituals of menstrual impurity.

Here is another example from the Pahlavi *Vîdevdad*. In this case, the text explicitly acknowledges a kind of omnisignificant hermeneutical principle at work while introducing the rule against carrying a corpse unaided.

"*ma kas*" – *mardōm* "*barād ēwtāg*" – *pad tan-ēw "ka rist" – kū murd ēd pad saxwan gōwam kū dānēd kū murd ast ….*

ēn az abestāg paydāg ān bawēd ka dānēnd kū murdag ud dānēnd kū sag nē dīd ĵumbānēnd, kū wināh ī margarzān

"Let no person" – human being "carry (a corpse) alone (*ēwtag*)" – (meaning) by himself "if it is dead (*rist*)" – that is, dead. This I say with words, that he knows that it is dead …

This is evident from the Avesta. This is (the case) if they know that it (i. e., the corpse) is dead, and they know that the dog did not gaze (at the corpse – a necessary purification process). (When) they move it, it is a capital (*margarzān*) sin …[59]

---

[58] Sifra *Zavim* 4:1 (parallels include yNid 2:3 (50a); bNid 19a).
[59] Pahlavi *Vîdevdad* 3.14.

The text then launches into one of the most sophisticated legal discussions preserved in the Zand that considers the relevance of intention and doubt as it relates to liability. As much as the discussion appears to exist independently of the Avesta, according to the Zand it actually emerges from a close reading of the text. Specifically, the text refers to the Avesta's insistence that the corpse which is carried is dead. Since a corpse is by definition dead, the extraneous word dead (*rist*) is seen as conveying the importance of *knowledge* that the corpse is dead.

As Yishai Kiel has pointed out in his dissertation,[60] the complicated, extended discussion about intention at PV 3.14 is paralleled in a number of rabbinic sources. There also are a number of parallels on the exegetical plane as well. One brief example can be found in a talmudic passage[61] in which the fourth-century sage Rava grounds the well-known talmudic conundrum of *shtei ḥatikhot* (two pieces of meat, one kosher and the other not) in the ambiguity of the word מצות, which is spelled as if it were a singular noun (*mitzvat*) but is to be pronounced as a plural according to the Masoretic tradition (*mitzvoth*).

With these few examples it is now possible to begin to more fully consider the meaning of the omnisignificant legal exegesis that appears both in rabbinic literature and the Pahlavi Zand. First, we should emphasize that this form of exegesis is not necessarily a common one in antiquity, nor is it by any means inevitable. Other interpretive communities employed various hermeneutical tools when interpreting texts that they perceived as sacred and thus semiotically dense. Yet most of these did not go the way of halakhic midrash and the Zand.[62] The hermeneutical principle of omnisignificance, applied widely across the Hebrew Bible, leads to a certain distancing of the exegete from his text. In such a rendition, peculiar textual phenomena can matter less, since even more than usual the text constitutes a signifier at considerable remove from its signified.

What are the possible historical meanings of these similar reading strategies? One of the reasons I chose an example from a discussion of menstrual impurity in the Sifra was to emphasize that omnisignificant legal exegesis is very much present in Palestinian rabbinic texts prior to the intense encounter between Jews and Zoroastrians that took place in Mesopotamia. If this is the case, we may wonder whether there is value to studying a hermeneutical assumption like omnisignificance in the Bavli and Middle Persian literature if it merely constitutes a later development of earlier forms already present before the two exegetical

[60] Kiel 2011.

[61] bKer 17b.

[62] Other interpretive paths taken in late antiquity include various forms of exegesis that interpret sacred texts *symbolically*. So, for example, Clement of Alexandria interpreted Leviticus's prohibition against consuming certain birds as referring not to actual organisms, but rather to the negative qualities which these birds symbolize, and which should be avoided in human behavior. For a comparison of this reading of the laws of kashrut with midrashic ones, see Yadin 2004, 168–175. Significantly, such an approach also recognizes the semiotic density of scripture, yet it takes this assumption in a different hermeneutical direction.

communities intersected. This question is a crucial one for the project of comparing Zoroastrian and rabbinic hermeneutics, and indeed for the larger inquiry into the Babylonian Talmud in light of Middle Persian texts.

There are to my mind a few possible answers. One is to say that indeed, despite the striking character of the parallel, we are dealing with a phenomenon whose implications do not extend beyond the realm of phenomenology. Although not necessarily a standard exegetical approach, omnisignificant legal exegesis is a particular response to a semiotically dense, sacred text that can be explained on its own terms. Another possibility is to turn the tables and say that although Talmudists are often looking to prove Zoroastrian influence on Judaism, perhaps we have here an example of rabbinic influence on Zoroastrian exegesis, as Friedrich Spiegel suggested in the middle of the nineteenth century.[63] Again, based on the texts that have come down to us, the omnisignificant legal exegesis of the Zand only comes into its own during late Sasanian times, while on the rabbinic side it stretches back to the very beginnings of the rabbinic project. A third option, which I am partial to, acknowledges the history of rabbinic midrash prior to the Babylonian rabbinic encounter with Zoroastrianism, yet it nevertheless considers the possibility that the continued development of rabbinic omnisignificant exegesis in Babylonia alongside similar trends in the Zand is nevertheless culturally significant. First, it is possible that despite its established existence prior to the Bavli, the fact that these modes of reading were present in the Sasanian milieu affected the development of the Bavli's own omnisignificant hermeneutic. Indeed, Yaakov Elman has documented how Rava, a key figure at the confluence of Iranian and rabbinic cultures, was particularly concerned with "managing" the ever-growing omnisignificant project.[64] But the second and final point which I wish to make is informed by the way certain theorists, particularly Bakhtin, have emphasized the significance of context in evaluating the dynamic meaning of texts, or in this case "utterances." Bakhtin writes:

> Not only the meaning of the utterance but also the very fact of its performance is of historical and social significance, as, in general, is the fact of its realization in the here and now, in given circumstances, at a certain historical moment, under the conditions of the given social situation.[65]

Bakhtin is emphasizing the significance of cultural context in the understanding of texts, and indeed all human utterances. Regardless of the prehistory of a particular term, form of language, or exegetical mode, the way it resonates in its immediate context is essential for properly assessing its meaning. What that means in the current discussion is that the fact that omnisignificant modes of reading were an important aspect of Sasanian reading strategies is significant for

[63] See Yaakov Elman's discussion of this early observation in this volume.
[64] See, for example, Elman 2004.
[65] Bakhtin and Medvedev 1985, 120.

appreciating their resonance in the Bavli.[66] I suspect that this final approach will serve us best as we embark on a sustained comparison of rabbinic and Zoroastrian hermeneutics. But the only way to find out is to do the detailed philological and comparative work.

Bibliography

Bailey, H. W. 1971. *Zoroastrian Problems in the Ninth-Century Books*. Ratanbai Katrak Lectures. Oxford: Clarendon Press.

Bakhtin, M. M., and P. N. Medvedev. 1985. *The Formal Method in Literary Scholarship: A Critical Introduction to Sociological Poetics*. Translated by Albert J. Wehrle. Cambridge, MA: Harvard University Press.

BeDuhn, J. 2000. *The Manichaean Body: In Discipline and Ritual*. Baltimore: Johns Hopkins University Press.

Bruns, G. L. 1992. *Hermeneutics, Ancient and Modern*. New Haven: Yale University Press.

Cantera, A. 2004. *Studien zur Pahlavi-Übersetzung des Avesta*. Iranica 7. Wiesbaden: Harrassowitz.

Cereti, C. G. *The Zand i Wahman Yasn: A Zoroastrian Apocalypse.* Rome: Istituto italiano per il medio ed estremo oriente.

Cheung, J. 2007. *Etymological Dictionary of the Iranian Verb.* Leiden Indo-European Etymological Dictionary Series 2. Leiden: Brill.

Choksy, J. K. 1989. *Purity and Pollution in Zoroastrianism: Triumph over Evil*. Austin: University of Texas Press.

Elman, Y. 1990. "The Suffering of the Righteousness in Palestinian and Babylonian Sources." *Jewish Quarterly Review* 80:315–339.

–. 1991. "Righteousness as Its Own Reward: An Inquiry into the Theologies of the Stam." *Proceedings of the American Academy for Jewish Research* 57:35–67.

–. 1999. "How Should a Talmudic Intellectual History be Written? A Response to David Kraemer's *Responses*." *Jewish Quarterly Review* 89:361–386.

–. 2004. "Classical Rabbinic Interpretation." In *The Jewish Study Bible*, edited by A. Berlin and M. Z. Brettler, 1844–1863. New York: Oxford University Press.

–. 2007. "Middle Persian Culture and Babylonian Sages: Accommodation and Resistance in the Shaping of Rabbinic Legal Tradition." In *The Cambridge Companion to the Talmud and Rabbinic Literature*, edited by C. E. Fonrobert and M. S. Jaffee, 165–197. Cambridge: Cambridge University Press.

Fishbane, M. 1996. "Inner-Biblical Exegesis." In *Hebrew Bible / Old Testament*, edited by M. Sæbø, 33–48. Göttingen: Vandenhoeck & Ruprecht.

Fraade, S. 1998. "Looking for Legal Midrash at Qumran." In *Biblical Perspectives: Early Use and Interpretation of the Bible in Light of the Dead Sea Scrolls*, edited by M. Stone and E. Chazon, 59–79. Leiden: Brill.

[66] Genealogies – despite their dominance in contemporary discourse in the humanities – are just one way of assessing material. For an expansion of this idea, see Secunda 2014.

Furstenberg, Y. 2012. "The *Agon* with Moses and Homer: Rabbinic Midrash and the Second Sophistic." In *Homer and the Bible in the Eyes of Ancient Interpreters*, edited by M. Niehoff, 299–328. Leiden: Brill.

Gabbay, U. 2012. "Akkadian Commentaries from Ancient Mesopotamia and Their Relation to Early Hebrew Exegesis." *Dead Sea Discoveries* 19:267–312.

Gafni, I. 2007. "Rabbinic Historiography and Representations of the Past." In *The Cambridge Companion to the Talmud and Rabbinic Literature*, edited by C. E. Fonrobert and M. S. Jaffee, 295–312. Cambridge: Cambridge University Press.

Harris, J. 1996. "From Inner-biblical Interpretation to Early Rabbinic Exegesis." In *Hebrew Bible / Old Testament: The History of its Interpretation*, edited by M. Sæbø, 256–269. Göttingen: Vanenhoeck & Ruprecht.

Herman, G. 2008. "The Story of Rav Kahana (BT Baba Qamma 117a–b) in Light of Armeno-Persian Sources." In *Irano-Judaica VI: Studies Relating to Jewish Contacts with Persian Culture throughout the Ages*, 53–86. Jerusalem: Ben-Zvi Institute.

–. 2012. "*One Day David Went Out for the Hunt of the Falconers:* Persian Themes in the Babylonian Talmud." In *Shoshannat Yaakov: Jewish and Iranian Studies in Honor of Yaakov Elman*, edited by S. Secunda and S. Fine, 111–136. Leiden: Brill.

Jamasp, D. H., ed. 1907. *Vendidâd: Avesta Text with Pahlavi Translation and Commentary and Glossarial Index*. 2 vols. Bombay: Government Central Book Depot.

Jong, A. de. 1997. *Traditions of the Magi: Zoroastrianism in Greek and Latin Literature*. Religions in the Graeco-Roman World 133. Leiden: Brill.

Kellens, J. *Le verbe avestique*. Wiesbaden: Reichert, 1984.

Kiel, Y. 2011, Selected Topics in Laws of Ritual Defilement: Between the Babylonian Talmud and Pahlavi Literature." Ph.D., Hebrew University.

–. 2012. "Redesigning *Tzitzit* in the Babylonian Talmud in Light of Literary Depictions of the Zoroastrian *Kustīg*." In *Shoshannat Yaakov: Jewish and Iranian Studies in Honor of Yaakov Elman*, edited by S. Secunda and S. Fine, 185–202. Leiden: Brill.

Kiperwasser, R., and D. D. Y. Shapira. 2008. "Irano-Talmudica I: The Three-Legged Ass and Ridya in B. Taanith: Some Observations about Mythic Hydrology in the Babylonian Talmud and in Ancient Iran." *AJS Review* 32:101–116.

–. 2012. "Irano-Talmudica II: Leviathan, Behemoth and the 'Domestication' of Iranian Mythological Creatures in Eschatological Narratives of the Babylonian Talmud." In *Shoshannat Yaakov: Jewish and Iranian Studies in Honor of Yaakov Elman*, edited by S. Secunda and S. Fine, 203–236. Leiden: Brill.

Kister, M. 1998. "A Common Heritage: Biblical Interpretation at Qumran and Its Implications." In *Biblical Perspectives: Early Use and Interpretation of the Bible in Light of the Dead Sea Scrolls. Proceedings of the First International Symposium of the Orion Center for the Study of the Dead Sea Scrolls and Associated Literature, 12–14 May, 1996*, edited by M. E. Stone and E. G. Chazon, Studies on the Texts of the Desert of Judah 28, 102–111. Leiden: Brill.

Kugel, J. L. 1981. *The Idea of Biblical Poetry: Parallelism and its History*. New Haven: Yale University Press.

Macuch, M. 2005 [published in 2009]. "The Hērbedestān as a Legal Source: A Section on the Inheritance of a Convert to Zoroastrianism." *Iranian and Zoroastrian Studies in Honor of Prods Oktor Skjærvø = Bulletin of the Asia Institute* 19 (2009):91–102.

Monchi-Zadeh, D. 1982. "Xusrōv i Kavātān ut Rētak: Pahlavi Text, Transcription, and Translation." In *Monumentum Georg Morgenstierne*, vol. 2, Acta Iranica 22, 47–91. Leiden: Brill.

Niehoff, M. 2011. *Jewish Exegesis and Homeric Scholarship in Alexandria*. Cambridge: Cambridge University Press.

Paz, Y. 2012. "Re-Scripturizing Traditions: Designating Dependence in Rabbinic Halakhic Midrashim and Homeric Scholarship." In *Homer and the Bible in the Eyes of Ancient Interpreters*, edited by M. Niehoff, 269–298. Leiden: Brill.

Rezania, K. 2012. "Mazdakism and the Canonisation of Pahlavi Translations of the Avestan Texts." In *The Transmission of the Avesta*, edited by A. Cantera, 479–494. Wiesbaden: Harrassowitz.

Secunda, S. I. 2008. "*Dashtana – 'Ki derekh nashim li*': A Study of the Babylonian Rabbinic Laws of Menstruation in Relation to Corresponding Zoroastrian Texts." Ph.D. dissertation, Yeshiva University, New York.

–. 2005 [published in 2009]. "Studying with a Magus / Like Giving a Tongue to a Wolf." *Bulletin of the Asia Institute* 19 (2009):151–157.

–. 2010a. "Reading the Bavli in Iran." *Jewish Quarterly Review* 100:310–342.

–. 2010b. "The Sasanian 'Stam': Orality and the Composition of Babylonian Rabbinic and Zoroastrian Legal Literature." In *The Talmud in Its Iranian Context*, edited by C. Bakhos and M. R. Shayegan, 140–160. Tübingen: Mohr Siebeck.

–. 2012. "On the Age of the Zoroastrian Sages of the Zand." *Iranica Antiqua* 47:317–349.

–. 2014. *Reading the Talmud in Iran: Context, Method, and Application.* Divinations. Philadelphia: University of Pennsylvania Press.

Shaked, S. 2004. "The Yasna Ritual in Pahlavi Literature." In *Zoroastrian Rituals in Context*, edited by M. Stausberg, 333–344. Leiden: Brill.

Shapira, D. D. Y. 2005–2006. "On the Scriptural Sources of Mazdak's Teachings." *Nāme-ye Irān-e Bāstān* 5:63–82.

Skjærvø, P. O. 2003. "Smashing Urine: On *Yasna* 48.10." In *Zoroastrian Rituals in Context*, edited by M. Stausberg. Leiden: Brill.

–. 2007. "The *Videvdad:* Its Ritual-Mythical Significance." In *The Age of the Parthians*, edited by V. S. Curtis and S. Stewart, The Idea of Iran 2, 105–141. London: I. B. Tauris.

–. 2008. Review of Alberto Cantera, *Studien zur Pahlavi-Übersetzung des Avesta*. *Kratylos* 53:1–20.

–. 2011a. "Kartīr." In *Encyclopædia Iranica* XV/6:608–628. Online edition updated April 24, 2012. http://www.iranicaonline.org/articles/kartir.

–. 2011b. *The Spirit of Zoroastrianism*. New Haven: Yale University Press.

Vevaina, Y. S.-D. 2007. "Studies in Zoroastrian Exegesis and Hermeneutics with a Critical Edition of the *Sūdgar Nask* of *Dēnkard* Book 9." Ph.D. dissertation, Harvard University.

–. 2010. "Relentless Allusion: Intertextuality and the Reading of Zoroastrian Interpretive Literature." In *The Talmud in Its Iranian Context*, edited by C. Bakhos and M. R. Shayegan, 206–232. Tübingen: Mohr Siebeck.

Vidas, M. 2009. "Tradition and the Formation of the Talmud." Ph.D. dissertation, Princeton University.

Yadin, A. 2004. *Scripture as Logos: Rabbi Ishmael and the Origins of Midrash*. Divinations. Philadelphia, PA: University of Pennsylvania Press.

Yishai Kiel

Shaking Impurity: Scriptural Exegesis and Legal Innovation in the Babylonian Talmud and Pahlavi Literature

Introduction

One of the most intriguing areas in the emerging interdisciplinary field of Irano-Talmudic studies concerns the intersection of legal discussions that are contained in the Babylonian Talmud and Pahlavi literature. Two recent articles by Yaakov Elman – devoted to the issues of guardianship and the legal status of non-Jews and non-Zoroastrians – demonstrate the fruitfulness of a synoptic methodology that seeks to examine the intellectual histories of specific legal topics as discussed in the rabbinic and Pahlavi literatures.[1] A contextualized analysis of other legal issues that are discussed in the rabbinic and Pahlavi corpora may yield fascinating comparative results that will further our understanding of the connections between these two legal traditions.

Applying this methodology to the laws of ritual impurity, the current study attempts to trace the connections between rabbinic and Zoroastrian discussions regarding the transmission of ritual contamination through movement. This study is part of a much broader project which I have undertaken over the past few years, seeking to contextualize the rabbinic and Zoroastrian legal systems of ritual impurity.[2] This study will serve, therefore, to illustrate not only the particular case study of transmission of ritual impurity through movement, but more broadly, the comparative enterprise that underlies the contextualization of the rabbinic and Zoroastrian legal systems.

In many ritual systems, contamination is transmitted from the source of impurity – be it dead matter, bodily discharges, or the like – by means of established and well-defined forms of physical contact.[3] In the Jewish and Zoroastrian ritual systems, along with direct physical contact one encounters a unique form

[1] Elman 2005 [2009], 15–26; 2006, 25–46; 2010, 21–57.

[2] For a preliminary description of this project, see Kiel 2011, 1–35.

[3] Direct contact is the most common form of transmission of impurity, which exists in practically every system of ritual purity. See for instance Num 19:13; REA 15; Safa-Isfehani 1980, 86–87; *Gautama Dharmasūtra* 14:23–33; Olivelle 1999, 102–103; Manu's Code 5:85–87; Olivelle 2005, 142. This does not exclude, of course, other modes of transmission that occur in various ritual systems, such as consumption, overhanging, gazing, and so forth.

of transmission of impurity that occurs through carrying or bearing the source of impurity. Already in the priestly stratum of the Pentateuch and the younger Avestan *Vīdēvdād* (V) it is taught that impurity can be transmitted by means of bearing.[4] If one thus carries a source of impurity – even without touching it directly – one is believed to have incurred ritual impurity.

The significance of the act of bearing in the transmission of ritual impurity according to the Pentateuch and V reflects an interesting analogous development of two distinct ritual systems, but can hardly suggest any genealogical connections that bear historical significance.[5] The similarity that is evident between the Pentateuch and V in this respect should simply be attributed to the preoccupation of two ritually oriented cultures with similar modes of transmission of impurity.

While the resemblance between the Pentateuch and V is most likely accidental, the initial decision that impurity can be transmitted through the act of bearing established a scriptural precedent, as it were, provoking the evolution of similar legal developments in the rabbinic and Pahlavi literatures. In both rabbinic and Pahlavi treatments of the matter, an inclusive and rather loose interpretation of the notion of "carrying" is entertained, encompassing the related modes of "shaking" and "moving" as well. If someone thus causes impurity to shake or is shaken by impurity – even without actually bearing the source of impurity – one may incur ritual impurity according to the rulings of the rabbis and *dastwar*s. The affinity that exists between the rabbinic and Pahlavi ritual systems in this respect culminates in fact in the Babylonian Talmud and the Pahlavi Zand, where various modes of indirect movement of impurity are similarly considered.

The comparison of the rabbinic and Zoroastrian treatments of impurity transmission will be conducted in this paper on two levels. On the first level, situated in the broader realm of comparative studies, I will attempt to reveal the similarities and differences that exist between the rabbinic and Zoroastrian discussions, without posing the question of a historical connection. This level of comparison will go beyond the Babylonian Talmud as a product of the Sasanian culture to undertake comparisons with Palestinian rabbinic sources as well. As we are often reminded in the comparative study of cultures, the exploration of similarities and differences between distinct yet analogous cultural phenomena is the cornerstone of comparative work – even if no genealogical dependencies are at stake.

On this level, it will be contended that in both the rabbinic and Zoroastrian ritual systems, the initial category of transmission of impurity by means of bearing was significantly broadened. Using similar hermeneutic methodologies, the rabbinic and Zoroastrian exegetes appear to have reached similar legal conclusions, according to which the modes of shaking and moving impurity are also

[4] See, for instance, V 3.14; Lev 11:25, 28; 15:10.

[5] For the definition of "analogous" and "genealogical" cultural connections, see for instance Smith 1990, 46–53.

included in the initial category of bearing. This general hermeneutic affinity need not reflect, however, genealogical connections between the two systems.

On the second level of comparison, situated in the realm of developmental intellectual history, I will engage in a more specific attempt to unearth intercultural connections that are likely to have formed during the Sasanian period. This will be done by investigating particularly the legal details that are contained in the Babylonian Talmud and the Pahlavi Zand, both of which were composed in the Sasanian period. On this level of discussion, I hope to demonstrate that the Babylonian Talmud and the Pahlavi Zand reveal a much closer sense of affinity that points to a shared cultural environment and possibly – one might speculate – a shared intellectual discourse in which both Babylonian rabbis and Zoroastrian *dastwars* partook.

On both levels of discussion, I am inclined to avoid the use of terminology such as "influence," "cultural borrowing," "assimilation," and the like, which point to an oversimplified model of connections between the two corpora. Paraphrasing Michael Satlow's recent ideas concerning the relations between Judaism and Hellenism,[6] I would like to suggest that the rabbis and *dastwar*s in the Sasanian period shared deep structures of cultural meaning, while striving at the same time to define their uniqueness within this shared intellectual framework. They were not so much "influenced" by one another as much as they were part of the same intellectual environment.

More specifically, I shall argue that the Babylonian Talmud and the Pahlavi Zand contain adjacent legal discussions pertaining to the transmission of ritual impurity by means of indirect shaking. Several modes of indirect shaking – which are considered in the Babylonian Talmud and the Pahlavi Zand but not in Palestinian rabbinic literature and earlier Zoroastrian accounts – will serve to illustrate the unique intellectual atmosphere that governed legal discourse in the Sasanian milieu.

Bearing and Moving Impurity in Pahlavi Literature

The third chapter of V[7] provides a list of righteous deeds – along with an equivalent list of grievous sins – that affect the happiness and the comfort of the earth.[8] The list of sins that cause the earth unhappiness is interrupted, however, by section 3.14 and its lengthy Pahlavi commentary, which have no apparent

[6] Satlow 2008, 37–54.

[7] For the meaning of the name of the work, see Benveniste 1970, 37–42; Skjærvø 2007, 105–162. For critical and semi-critical editions of V, see Jamasp and Gandevia 1907; Anklesaria 1949; and the website headed by Alberto Cantera, The Videvdad Project, www.videvdad.com.

[8] On the content and structure of the third *fragard* of the V, see Bishop 1974, 34–110.

connection to the subject matter of the preceding or following passages.[9] This long passage, which will comprise the focus of our attention, is concerned with the sin and impurity of carrying a corpse and the subsequent demonic attack that is launched against the defiled sinner.[10] Here is the Pahlavi version of the text:[11]

ma kas [*mardōm*][12] *barād ēwtāg* [*pad tan-ēw*][13] *ka rist* [*kū murd ēd pad saxwan gōwam kū dānēd kū murd ast*]. *čē agar kas* [*mardōm*] *barēd ēwtāg* [*pad tan-ēw*] *ka rist. abar ō nasuš gumēxtēd az nāg bē az čašm bē az uzwān bē az padišxwar bē az kēr bē az kūn*[14] [*ī ōy murdag*].[15] *awēšān srū* [*wināhgārān abar pad awēšān wināhgārān ā-šān*] *ān druz ī nasuš abar dwārēd* [*ast kē srū ī murdagān gōwēd. ayōždahr pas bawēd tā ō hamē hamē rawišnīh*].

Let no person [a human being] carry alone [by himself] when dead [that is, dead. This I say with words: that he knows that it is dead]. For if a person [a human being] carries alone [by himself] that which is dead, on (him) the *nasuš* mixes from the nose, from the eye, from the tongue, from the jaw, from the penis, from the anus[16] [of the corpse].[17] They, upon the nails [upon the sinners], upon those [sinners], the demon of

[9] In fact, the text does not go back to discussing the happiness of the earth until section 3.22. It thus seems quite plausible that V 3.14–21 comprises a later interpolation into an otherwise beautifully structured chapter. See Jamasp 1907, 65 n. 3.

[10] The overlapping of the categories of sin and impurity (or criminal and ritual law) in the Zoroastrian system is discussed in Kiel 2011, 48–51; Macuch 2003, 109–129; Jany 2007, 347–361.

[11] The transcription and translation of PV 3.14 is based primarily on the edition prepared by Shaked for the Middle Persian Dictionary Project (MPDP). I would like to take this opportunity to thank Professor Shaked for his invaluable help in deciphering many of the difficult passages contained in this section. The variants from manuscripts L4, E10, and Jamasp's edition that are cited in the footnotes are the product of a shared reading group in V 3, which included Shai Secunda, Samuel Thrope, and myself. I am indebted to my colleagues for many illuminating and insightful remarks.

[12] In the Avestan text there is only one term to denote a person, *čiš*. Pahlavi *kas* seems to be a direct translation of the Avestan term, while *mardōm* is probably intended as an interpretive gloss.

[13] According to Shaked, this word may be a variant of *tanīhā* (private communication). In any event, the form *tan-ēw* is comparable with the Middle Persian–Aramaic amalgamated expression טב למיתב טן דו that appears in bYev 118b; bKet 75a; bKidd 7a, 41a; and bBQ 111a. There, *tan-dō* (טן דו) is a Persian loanword that connotes "togetherness" or "in matrimony," but literally means "two bodies." See Sokoloff 2002, 508. I would like to thank Shai Secunda for elucidating this connection.

[14] Jamasp 1907, 65, following most manuscripts, has *kūn*; E10 has *kūs*; M3 has *tan*.

[15] Thus according to E10; cf. Jamasp 1907, 65.

[16] The Avesta clearly refers to the anus, *fraśumakaṯ*, and so do most Pahlavi manuscripts which have *kūn*. In E10, however, we have *kūs*, which means "vagina." The NP glossator in E10 translates in this manner as well. In a parallel list of organs that appears in V 9.40, manuscripts K and L skip this word. E10 has *kūn* but then clearly changes it to *kūs*. The scribe of E10, while clearly diverging from the original meaning of the text, seems to have been interested in creating a sense of gender symmetry in this passage. I would like to thank Shai Secunda for this suggestion. Compare also V 8.58 and V 9.32, which understand the exorcizing of the *nasuš* (the corpse demoness) and the purification procedures as fundamentally different for men and women.

[17] Cf. V 8.42–58.

> *nasuš* scurries upon (them). [Some say: the nails of the dead]. He then becomes impure for ever and ever.

The PV, aside from providing a word-for-word translation of the young Avestan,[18] includes several interpretive glosses – commonly designated by square brackets – that seem to diverge from the base text on several matters. The direct translation is followed by an extended Pahlavi commentary containing attributed and anonymous material,[19] which further discusses legal and theological matters that fall beyond the scope of the original Avestan text. Such divergences of the Zand from the Avestan text are relatively common in Pahlavi literature and can be identified in the texts.[20]

The Avestan text of V 3.14 uses the verb *bar* to describe the act of bearing a corpse. Similarly, the Pahlavi translators make use of the verb *burdan*, the Pahlavi equivalent of the Avestan term. This widely attested verb often appears in Pahlavi with the ideogram YBLWN, using the Aramaic term for carrying, and is also attested in various Indo-European languages.[21] Although this verb can also be used in the sense of taking or enduring, in our passage the word probably retains its literal sense of "carrying."

In contrast to the Avestan text and its direct Pahlavi translation, the extended Pahlavi commentary uses the verbs *ĵumbēnīdan* and *čandēnīdan*, which denote the causing of movement. These verbs must not be mistaken as synonyms of *burdan*, since several passages suggest that they are deliberately used to connote the movement of a corpse in a manner that does not entail the bearing of its weight. The first passage in the extended Pahlavi commentary "summarizes" the content of the Avestan passage in the following manner.

> *ēn az abestāg paydāg, ān bawēd ka dānēnd kū murdag ud dānēnd kū sag nē dīd ĵumbēnēnd, kū wināh ī margarzān.*
>
> This is manifest from the Avesta: This is the case when they know that (this is) a dead body, and know that there was no dog-gaze, (and yet) they move (the body), which is a death-worthy sin.[22]

---

[18] The question of the accuracy of the Pahlavi translations is discussed in Shaked 1996, 646–650; Vevaina 2007, 18–34.

[19] On the possibility of distinguishing between the different literary strata in the Pahlavi Zand, see Cantera 2004, 164–239. On the possible use of talmudic techniques of literary separation in the study of Pahlavi literature, see Secunda 2010, 140–160.

[20] It is difficult to determine when – and to what extent – the extended Pahlavi commentary reflects ancient exegetical traditions, and when it reflects the greater impact of the religious world of the later *dastwar*s. Recent scholarship has provided illuminating examples of the complex nature of the Zand, which often combines ancient transmitted traditions along with innovative material. See Shaked 1996, 2003; Vevaina 2012; Elman 2010, 21–57.

[21] Cheung 1971, 20.

[22] PV 3.14 (A).

The question of the sinner's knowledge aside,[23] this passage consciously substitutes the verb *burdan* for *ĵumbēnīdan*, suggesting that even the movement of a corpse is considered a *margarzān* (death-worthy) transgression.[24] From an exegetical perspective, it appears that the Pahlavi commentary wishes to expand the basic meaning of the Avestan term, thus including "movement" of a corpse in the same rubric. In order to understand, however, the exegetical methodology that is utilized by the Zand, I must briefly address the basic features of Zoroastrian hermeneutics.

Recently, scholars have begun to acknowledge that Pahlavi methods of exegesis are significantly reminiscent of rabbinic forms of midrash and biblical interpretation. The most important hermeneutic concept that seems to characterize the Zoroastrian methods of interpretation in relation to midrash is the notion of an "omnisignificant" text.[25] This type of hermeneutics of sacred texts presumes that every letter, word, or other detail in the text has a decipherable and significant meaning. The sacred text, furthermore, is complete and self-sufficient and therefore contains the answer to every legal inquiry that can possibly be raised.[26]

In the case under discussion, the Zand appears to exercise the midrashic method of *ribui* (inclusiveness), whereby the original meaning of the scriptural word is expanded to include matters that are not explicitly articulated. The Zand's use of the verb *čandēnīdan* is apparently meant to broaden and explicate that which is believed to be implicit in the "scriptural" category of *burdan*.

The PV's legal position – that partial movement of a corpse renders the sinner culpable and ritually impure even if the sinner did not bear the full weight of the corpse – can be highlighted through a comparison of the PV's decision to a ninth-century legal text known by the name *Šāyest nē Šāyest* (ŠnŠ).[27] Both

[23] The question of the sinner's awareness of his crime is discussed in Kiel 2013.

[24] On the classification of sins in Zoroastrianism, see *Šāyest nē Šāyest* (ŠnŠ) 1.1–2; ŠnŠ Supplements 11:1–2; 16:1–4; Macuch 2003, 109–129; Jany 2007, 347–361. The term *margarzān* is not mentioned in the Avesta and is often used by the Pahlavi glossators to gloss the Avestan term that is rendered *tanābuhl* in Pahlavi. In many Pahlavi texts, however, the term *margarzān* designates a sin that is even severer than a *tanābuhl*, thus consisting of the severest level of crime. Whether or not a *margarzān* sin can be expiated or repented for is somewhat of a puzzle, since there are contradicting statements on the matter. According to ŠnŠ 2:107–108, for instance, *margarzān* sinners have no purification and redemption, whereas ŠnŠ 8:5–6 prescribes a penitential procedure for *margarzān* sinners.

[25] See, for instance, Vevaina 2007, 128–132; 2010, 206–232.

[26] See, for instance, Kugel 1997, 17–22. This type of hermeneutics presumes that there is nothing in a sacred text that is present merely "by chance" or that is used simply as a rhetorical gesture. Generally speaking, there are four presumptions that are included in this wide-ranging hermeneutic theory: (1) the text is a code that must be deciphered; (2) the text is relevant to the present and refers to it; (3) the text is complete and harmonious and can be deciphered through internal intertextual exegesis; (4) the text is divinely inspired, in one form or another.

[27] A description of this work is provided in Tavadia 1930, 1–25.

works similarly address a case in which a corpse was seen by a dog, a factor that reduces – although it does not completely terminate – the ability of the corpse to contaminate. The PV preserves the following decision on the matter.

> *ān sag dīd, ka pad tan-ēw bē čandēnēd, tan pad baršnūm, wastarg pad xšwašmagišn.*
>
> That seen by a dog, when one moves it alone, the person (should be purified) with the *baršnūm*[28] and the garment with the six months'[29] purification.[30]

Unlike the severe effects of carrying a corpse that was not seen by a dog, if someone carries a corpse that was seen by a dog he is not considered "eternally" impure as in the Avestan passage and can in fact be purified through the *baršnūm* ceremony. The use of the verb *čandēnidan* in this passage indicates that partial movement of the corpse has the same legal consequences as carrying the entire corpse. The reduction in the level of impurity in this particular case has to do with the element of a dog's gaze, but the equation of partial movement and bearing the weight of the whole corpse remains in effect. While the PV holds that impurity is incurred through any kind of movement of dead matter, the ŠnŠ makes a clear distinction between partial movement of dead matter and bearing the weight of the entire corpse.

> *ud ān ī sag-dīd, bē ān ēw-dom ka mard ēw-kardagīhā hamāg bē jumbēnēd ēnyā pad pixag nē šōyišn.*
>
> And that which a dog has seen – except in a single (case) when a man *moves it all* by being in a state of connectedness – he should not be washed with *pixag*.[31]

While the ŠnŠ addresses the very same legal case of a corpse that was seen by a dog, it is stipulated nonetheless that the need for extensive purification exists only when the entire corpse is moved (*hamāg bē jumbēnēd*), and not in the case of partial movement. In other words, only carrying or bearing the full weight of a corpse conveys impurity to the carrier, while partial movement of a corpse that was seen by a dog does not. The distinction between carrying the full weight of a corpse and partial movement of a corpse is consistently applied by ŠnŠ in other legal situations as well.[32]

Scholars in the past have generally regarded ŠnŠ as a thematic compilation that represents a later stage in the development of the Zoroastrian legal system. According to Boyce, for instance, an attempt was made in ŠnŠ to excerpt passages relating to specific legal topics from the extant Avesta and Zand and reorganize the material in a thematic form.[33] Boyce's reconstruction notwithstand-

[28] For the details of the *baršnūm* ceremony, see Choksy 1989, 23–52.
[29] For this procedure, see REA 16; Safa-Isfehani 1980, 88–95.
[30] PV 3.14 (Y).
[31] ŠnŠ 2.66.
[32] See, for instance, ŠnŠ 2.68, 2.71.
[33] Boyce 1968, 39.

ing, recent attempts to compare synoptic parallels in ŠnŠ and PV have yielded a much more complex picture. While occasionally passages from the ŠnŠ appear to have been excerpted from earlier works, in other cases the ŠnŠ preserves unique traditions that are absent from – or even contradictory to – other surviving works.[34]

The current legal inquiry can thus serve to further illustrate the inherent complexity surrounding the literary relations of ŠnŠ and PV. ŠnŠ 2.66 and PV 3.14 appear to have preserved competing traditions on the matter of partial movement of dead matter. The distinction between partial movement and bearing the weight of the entire corpse that is consistently applied in ŠnŠ clearly reflects a separate tradition – perhaps stemming from a different *čāštag*[35] – that diverges fundamentally from the decision preserved in PV. While some religious authorities conflated the cases of partial movement of a corpse and full bearing of its weight, other authorities made sure to distinguish the two situations.

It is possible that the legal dispute between ŠnŠ and PV regarding partial movement of dead matter stems in fact from exegetical differences concerning the interpretation of the Avesta. While the PV holds an inclusive hermeneutic approach, suggesting that the term *burdan* refers to any kind of movement of dead matter, the ŠnŠ holds an exclusive or literal approach, limiting the meaning of the Avestan word to carrying or bearing the weight of the entire corpse.

Indirect Movement of Impurity in Pahlavi Literature

In addition to the legal debate over the issue of partial movement of dead matter, the Pahlavi sources further distinguish between direct and indirect movement of impurity. This distinction corresponds to a distinction that is often made in the Pahlavi texts between direct and indirect contact with impurity.[36] In the case of movement, however, a severer infraction of the law is at stake – namely the bearing of dead matter – above and beyond the issue of mere contact with impurity. The extended Pahlavi commentary on V 3.14 contains the following decision on the matter of indirect movement of impurity.

[34] See especially Cantera 2004, 220–229; Secunda 2007, 229–304; 2010, 147–150; Kiel 2011, 18–19.

[35] For the concept of legal schools in Zoroastrianism, see especially ŠnŠ 1.3–4; Tavadia 1930, 28–29; Jany 2005, 303–307.

[36] See, for instance, REA 15; Safa-Isfehani 1980, 86–87.

har čē[37] *abāg*[38] *mard ēw-kardag, ka*[39] *padiš bē čandēnēd, a-š tan rēman kardan-iz ōy*[40] *nē tanābuhl ō būn.*[41]

Everything that is connected with a person, if he moves it with that, his body is impure (and yet) he has no *tanābuhl* sin to his account.[42]

When an object is connected to a person it is considered to be an integral part of his body with regard to the laws of transmission of impurity.[43] If a person moves impurity through the mediation of such an object, he is considered to be in a state of direct contact with impurity and consequently severe impurity is transmitted to his body. Surprisingly, though, the sin of bearing a corpse does not accrue to one's account in this case, presumably since he did not move the corpse directly with his body.[44] A distinction emerges, therefore, between direct movement of a corpse, in which case a *tanābuhl* sin accrues to one's account,[45] and indirect movement of a corpse, in which case there is no *tanābuhl* sin.

A parallel tradition is preserved in ŠnŠ 2.68:

ud ka nasā-ēw sag nē dīd pad dār-ēw bē jumbēnēd, bē ān ēw-dom ka hamāg bē jumbēnēd ēnyā-š pad pixag nē šōyišn.

And when one moves a corpse which a dog has not seen with a piece of wood – except in a single (case) when he *moves it all* – he is not to be washed with *pixag*.[46]

This passage is indeed reminiscent of PV 3.14 (J), but there are several important differences. (1) The ŠnŠ does not mention that the object is connected to the person as in PV, but simply that the movement of the corpse takes place through the

---

[37] Thus according to the supplements to manuscript L4. The British Library, Microfilm, IOL 4314 (L4) originally contained 304 folios. However, folios 1–32 (from V 1.1 to the beginning of V 3.14) and 57–152 (V 4.30–8.107) are missing and were supplemented by two later scribes in the nineteenth century. The manuscript unfortunately ends at V 22.19. For the PV manuscripts, see Cantera 2010, 179–205.

[38] Jamasp adds *ān*, which is not in the manuscripts.

[39] Thus in the supplements to L4.

[40] The supplements to L4: *ō*, corrected by Shaked to *ōy*.

[41] Thus in the supplements to L4; Jamasp has *rēman ud margarzān ōh bawēd*, reversing the legal decision.

[42] PV 3.14 (J).

[43] On the concepts of *ēw-kardag* and *jud-kardag* in Pahlavi literature, see Kiel 2011, 226–248.

[44] To be sure, a late textual variant mentioned in Jamasp's edition preserves the opposite decision, according to which the sin of bearing a corpse does indeed accrue to one's account in this situation. I followed, however, the supplements to L4, which seem to represent a more accurate textual tradition.

[45] It is not entirely clear why a *tanābuhl* is at stake here and not a *margarzān*, but as we have seen, these two categories are often conflated in Pahlavi sources. According to Jamasp, the correct reading is *rēman ud margarzān ōh bawēd*, assuming that the connection of the object to the person suffices to consider him a direct corpse-bearer even to the extent of incurring a *margarzān* sin.

[46] ŠnŠ 2.68; cf. ŠnŠ 2.71.

mediation of a piece of wood. (2) Consistently applying the distinction between partial movement and bearing the entire corpse, ŠnŠ suggests that impurity is transmitted in the case of indirect movement of a corpse only if the entire corpse is borne. The decisions reflected in these passages are not necessarily mutually exclusive, however, since the cases that are addressed are not identical and thus each passage may concur with the other.

Although one cannot discern a systematic approach to indirect movement of impurity from the scattered passages pertaining to this matter, it is clear that the Zoroastrian authorities entertained the possibility that indirect movement of dead matter transmits severe impurity to the body and results in a state of sin. The ability of indirect movement to convey impurity is limited, however, either to cases where the entire corpse is borne or to cases of objects that are connected to the body.

A legal response preserved in the *Pahlavi Rivāyat accompanying the Dādestān ī Dēnīg* (PRDD) suggests that impurity can be transmitted through indirect movement of a corpse. The following passage addresses the transmission of ritual impurity in the case of a shaking bridge on which a corpse is carried.

> *puhl-ēw pad čōb ayāb pad sang ka-š murdag abar bē barēnd ka bē čandīhēd harw kē abar puhl estēd ka xāmōš nē rēman bē ka hamē rawēd ān-iz rēman bawēd.*
>
> If they are carrying a dead (body) over a bridge of wood or of stone, if it trembles, if everyone who is standing on the bridge (is standing) still (they are) not polluted, but if anyone keeps going he will indeed be polluted.[47]

According to Williams, "This matter concerning the bridge is not discussed elsewhere. The concern seems to be with other people standing still or moving and is perhaps linked with the idea that when a corpse is jolted the *druǰ nasuš* has a chance to spring out."[48] Although the case of the bridge is not mentioned in other Pahlavi texts, as Williams observes, the underlying concept of indirect movement of impurity is indeed articulated in other Pahlavi works and is similarly manifested in the case of a trembling bridge.

When people thus continue to move on a bridge on which a corpse is being carried, they are indirectly causing movement to the corpse. The impurity is transmitted to their bodies through the channel of movement, as no physical contact is established. If either the bridge is stable or the people are standing still, on the other hand, they do not affect the movement of the corpse and therefore they remain in a state of purity.[49] If contact with impurity were at stake here, one would expect to find no legal difference between people who are in motion and people who are standing still. Only the concept of indirect movement of

[47] PRDD 55.2; Williams 1990, 1:196–197, 2:92.
[48] Williams 1990, 2:246 n. 3.
[49] Neusner 1993, 143–145.

impurity, as discussed in PV and ŠnŠ, convincingly illuminates the legal decision in this case.

Bearing Impurity in Rabbinic Literature

Not unlike the Zand's attempt to define the limits of the Avestan category of "carrying" dead matter, the rabbis were faced with a similar hermeneutic and legal challenge. While the Pentateuch acknowledges the possibility of transmission of impurity by means of bearing the weight of an impure substance – at least in the cases of animal carcasses and contaminating bodily emissions[50] – the concept of impurity that is transmitted through partial movement of the source of impurity is absent from scripture. The rabbis were thus inclined to locate their conception of impurity that is transmitted through partial movement (היסט) within the existing biblical category of bearing the weight of impure substance (משא).[51]

The concept of *heset* has at least two distinctive meanings in rabbinic literature.[52] Some rabbinic texts use the term *heset* to denote specifically the category of purities that are moved by a *zav* or other bearers of impurity that resulted from bodily emissions. In the case of the impurity of bodily emissions, we are taught that even when the "pure" is moved by the "impure," the pure is defiled. By contrast, in the case of other sources of impurity – such as human corpses or animal carcasses – only when the "pure" moves the "impure" is the former defiled.[53] Other rabbinic texts use the term *heset* more broadly, to designate all sorts of movement of impurity. This usage of the term considers the contaminating effects of the movement of impurity with regard to all sorts of impurities, whether animal carcasses, bodily emissions, or human corpses.[54]

It is also difficult to discern a clear definition of the category of *heset* as opposed to the scriptural category of *masa'*. In some rabbinic texts it appears that *heset* and *masa'* are interchangeable, *heset* being the rabbinic form of the biblical term *masa'*.[55] Both categories denote, according to this perspective, the same spectrum of actions ranging from bearing the entire weight of the impurity to partial movement and the like. Tosefta *Ahilot* 1:1, for instance, uses the terms *masa'* and *heset* in this manner.

---

[50] See, for instance, Lev 11:25, 28; 15:10.

[51] See, for instance, *Targum Yerushalmi* on Lev 11:28.

[52] For the different meanings of the term *heset*, see, for instance, Rav Hai Gaon on mZav 5:1; Rabbeinu Hananel on bShab 83a; Maimonides, Commentary on mKelim 1:2; *Mishneh Torah*, The Laws of *Tumat Met* 1:7; Talmudic Encyclopedia, s. v. *heset*, 587–589.

[53] See, for instance, bShab 83b; bNid 43a.

[54] Notably, though, the Pentateuch does not mention the category of bearing with regard to corpse contamination, but only with regard to animal carcasses and bodily emissions.

[55] See, for instance, Maimonides, *Mishneh Torah*, The Laws of *Tumat Met* 1:7.

אחד הנוגע (אהילות) אחד המאהיל ואחד המסיט כולן מונין במת. אין לך שניטמא במשא המת אלא אדם בלבד.[56]

It is the same whether one touches, overhangs, or moves – all are subject to corpse (contamination). The only entity (however) that is defiled by the bearing of a corpse is a person.

According to the Tosefta, there are three channels of transmission of corpse contamination: touching, overhanging, and bearing/moving. The channels of overhanging and touching are not limited to humans; even implements and foodstuff can be defiled in this manner. Only humans, however, can be defiled by bearing or moving dead matter. At any rate, the Tosefta clearly maintains that bearing the weight of the impurity and movement of impurity fall under the same legal rubric.

The interchangeability of the terms *masa'* and *heset* can be further demonstrated from a midrash that suggests that the transmission of impurity by means of bearing applies even to corpse contamination, despite the fact that scripture neglects to mention the channel of "bearing" in Num 19 and 31.[57] *Sifre* Num thus inquires as follows:

מנ׳ שמטמא בהסיט? אמרת קל וחומר הוא, מה נבלה קלה הרי הוא מטמי בהסט, ומת חמור דין הוא שיטמי בהסט! או מה להלן טומאת ערב אף כאן טומ׳ ערב? אמרת מקום שמגעו טומאת ז׳ הסיטו טומאת ז׳, מקום שמגעו טומאת ערב הסיטו טומאת ערב.[58]

How do we know that he contaminates through movement? This can be inferred from a logical deduction; if carrion which is relatively lenient contaminates through movement, how much more does a corpse which is severe contaminate through movement. If this is so, we might add: since carrion contaminates (the person only) until the evening, so a corpse too will contaminate (the person only) until the evening? No, where touching contaminates for seven days, movement also contaminates for seven days, but where touching defiles (only) until the evening, so does movement defile (only) until the evening.

Interestingly, *Sifre Zuta* Num contains the very same midrash that appears in *Sifre* Num, the only difference being that the former inquires about *masa'* while the latter inquires about *heset*.[59] It is thus conceivable that the two versions of this midrash – which belong to two separate midrashic schools – are simply us-

[56] tAhil 1:1 according to the Vienna manuscript; cf. Zuckermandel 1970, 598.

[57] Num 19 and 31 – the scriptural sources for corpse contamination – mention only the channels of touching, killing, and overhanging. The transmission of corpse contamination through the act of killing is interpreted in *Sifre* Num 130 to bear on the issue of *heset*. See Kahana 2011, 52.

[58] *Sifre* Num 127 following manuscript Vatican 32; Kahana 2011, 48. Some textual variants appear in Horvitz 1966, 164.

[59] *Sifre Zuta* Num 19; Kahana 2005, 217.

ing different terms to denote the very same legal category.[60] Both are referring to the channel of bearing/moving as a means of impurity transmission. It appears therefore, that at least some rabbinic sources interpreted the scriptural concept of *masa'* inclusively, thus including the movement of impurity in the same legal category as bearing.

On the other hand, we find a dispute between prominent tannaitic authorities in the Mishnah regarding the definition of the categories of bearing and moving impurity, even with regard to animal carcasses and bodily emissions, for which there is explicit mention of "bearing" in scripture. The following dispute suggests that several rabbinic authorities perceived the scriptural instructions as applying to a particular act – either bearing or moving – and not to a spectrum of actions ranging from carrying to partial movement.

כל הנושא ונישא על גבי הנבלה,[61] חוץ מן המסיט. ר׳ אלעזר אומ׳: אף הנושא.[62]

הנוגע בזובו שלזב וברוקו ובשכבת זרעו ובמימי רגליו ובדם הנדה – מטמא שנים ופוסל אחד. פרש – מטמא אחד ופוסל אחד. אחד הנוגע ואחד המסיט, ר׳ אלעזר אומר אף הנושא.[63]

Whatever carries or is carried upon carrion (is clean), save one that moves it. R. Elazar says: even one who carries it (is impure).

If one touches the abnormal genital emission of a *zav*, or his saliva, or his semen or his urine, or the blood of a menstruating woman – he renders unclean at two stages (that is, he renders garments and utensils impure in the first degree, which in turn render foodstuff impure in the second degree) and invalidates at one stage (that is, the foodstuff in the second degree invalidates *terumah* in the third degree). If he separated himself (from the uncleanness) he renders unclean at one stage and invalidates at one stage. It is the same whether he touches or moves (impurity). R. Elazar says: even if he carries (impurity).

According to the anonymous Mishnah, if a carcass or contaminating bodily emissions are carried by a pure individual, he remains in a state of purity, as long as he does not move the impurity. R. Elazar, on the other hand, admits that one becomes defiled through moving carrion or impure bodily emissions, but he adds that if one bears the weight of impurity without actually moving it, he is likewise defiled.[64] In other words, there is an essential agreement among the authorities quoted in the Mishnah that moving impurity is in itself defiling. The debate concerns only whether bearing impurity without motion results in a similar state of impurity.

---

[60] See, for instance, the commentary attributed to the Raabad on *Sifre* Num 127, ad loc.; Noam 2010, 273–277.

[61] Parma 2596 and Parma 3173 add טהור.

[62] mZav 5:3 according to manuscript Kaufmann.

[63] mZav 5:7 according to manuscript Kaufmann.

[64] For this interpretation see the commentaries of Rabbi Eliyahu of Vilna, *Eliyahu Rabbah*, ad loc., and Rabbi Pinhas Kehati, ad loc., 472–473, who uphold the simple meaning of the Mishnah despite the Talmud's "emendation."

The Babylonian Talmud suggests amending the Mishnah in a manner that significantly alters its meaning. According to the interpretation suggested in bHul 124b, R. Elazar believes that moving impurity does not defile in and of itself. It is necessary to bear the weight of impurity in order to become impure.

כתנאי: אחד הנוגע ואחד המסיט. ר׳ אל[י]עז׳[65] או׳ אף הנושא. אטו נושא לאו מסיט הוא? אלא לאו הכי קא׳ אחד הנוגע ואחד המסיט בלא נישא,[66] ואתא ר׳ אליעז׳ למימ׳ והוא דנישא. ומאי אף? אימ׳ והוא דנישא.[67]

The authorities differ on this point: "It is the same whether one touches or moves (impurity). R. Elazar says: even if he carries (impurity)." But does not the one who carries (impurity) also move it? This must be interpreted as follows: "It is the same whether one touches (impurity) or moves (impurity) even without carrying it." And R. Elazar comes to say that "only if it is carried" (that is, movement alone does not defile unless it is also carried). Then what is the meaning of "even"? Read instead: "only" if it is carried.

According to the Talmud's interpretation of the Mishnah, R. Elazar and the sages argue whether the moving of carrion and contaminating bodily discharges transmits impurity, or merely bearing the weight of impure substance results in a state of ritual impurity.[68] Although the Talmud's discussion deviates from the simple meaning of the Mishnah, it should nevertheless be viewed as part and parcel of the same hermeneutic challenge that is reflected in other rabbinic sources. Namely, how is one to interpret the biblical assertion that bearing impurity transmits contamination, in light of the rabbinic tradition that considers the transmission of impurity via movement?

It is noteworthy, however, that the Babylonian Talmud shifts the focus of the rabbinic debate precisely to the question of whether impurity can be transmitted by means of movement, an issue that was similarly debated among contemporaneous Zoroastrian *dastwar*s. In fact, the legal debate that is reflected in the competing traditions of PV and ŠnŠ on the matter of transmission of impurity through movement is strikingly reminiscent of the Talmud's interpretation of the tannaitic dispute according to bHul 124b.

Both rabbis and *dastwar*s were thus grappling with a similar hermeneutic and legal challenge, concerning the transmission of impurity through movement. While both the Avesta and the Pentateuch determine that impurity can be transmitted by means of bearing, it is only the Zand and the rabbinic commentary that articulate the idea that even partial movement transmits impurity. Rabbis

---

[65] Thus in Vatican 122; Vatican 121 and Munich 95 have אליעז׳/אליע׳. The manuscripts of mZav 5:7 have אלעזר.

[66] Munich 95: בלא נושא.

[67] bHul 124b according to manuscript Vatican 122.

[68] My interpretation of the Talmud follows R. Eliyahu of Vilna in his *Eliyahu Rabbah* on mZav 5:3; but cf. the commentaries of Maimonides, Rabbi Shimshon of Sens, and Rabbeinu Asher on mZav 5:3, and Rabbi Shlomo Itzhaki's commentary on bHul 124b.

and *dastwar*s alike thus attempted to harmonize the sacred instructions of their respective scriptures with their innovative legal traditions by applying inclusive and exclusive forms of exegesis to the scriptural verses.

To be sure, alongside the similarities, there are also significant differences between the rabbinic and Zoroastrian treatments of the matter. To mention one fundamental difference, the rabbinic treatment of ritual defilement does not involve sin for the most part,[69] whereas in Zoroastrianism the realms of sin and ritual defilement tend to overlap.[70] However, the existence of such differences reemphasizes that despite dissimilar assumptions, the Jewish and Zoroastrian legal systems overlap in many significant ways. It is precisely when one moves away from the fantastic idea of "sameness" that one can reach the most illuminating and instructive comparative results.[71]

To be sure, there is no reason to assume genealogical connections between the rabbinic and Zoroastrian legal systems in this regard. It is counterproductive, I believe, to engage in speculations about "influences" of one tradition over another when the legal and hermeneutic discussions make perfect sense in both religious settings on internal grounds. The rabbinic discussion, moreover, is already introduced in tannaitic literature, the production of which took place in Palestine. The Palestinian origin of the rabbinic discussion thus seems to exclude the likelihood of any historical connections with the Zoroastrian account. Having said that, however, I believe that highlighting these fascinating affinities between the rabbinic and Zoroastrian hermeneutic, legal, and ritual enterprises, is in itself rewarding. The case of transmission of impurity through movement provides us with an excellent opportunity to compare several aspects of the rabbinic and Zoroastrian religious systems through the examination of a single legal inquiry.

In what follows, I would like to explore more intimate connections that appear to exist between the Pahlavi literature and the Babylonian Talmud in particular, on the matter of transmission of impurity through movement. Aside from the Talmud's interpretation of the tannaitic dispute in bHul 124b – which parallels a contemporaneous Zoroastrian debate – I would like to explore the connections that exist between these corpora on the matter of indirect movement of impurity. These connections seem to reflect more intimate encounters between the rabbinic and Zoroastrian cultures that may have taken place "by the rivers of Babylon" and within the confines of the Sasanian cultural milieu.

---

[69] Klawans 2000, 92–135.
[70] Kiel 2011, 48–51; Macuch 2003, 109–129; Jany 2007, 347–361.
[71] Smith 1990, 46–53.

Indirect Movement of Impurity in the Babylonian Talmud

Both the Babylonian Talmud and the Pahlavi corpus contain detailed discussions pertaining to the matter of indirect movement of impurity. To summarize the evidence on the Zoroastrian side, we have seen that all Pahlavi sources entertain the possibility that indirect movement transmits impurity in one form or another. According to PV 3.14 (J), moving a corpse with a mediating instrument that is connected to one's body transmits impurity. While some textual witnesses suggest that a *margarān* sin is also incurred in this case, the more reliable textual witnesses do not consider the case of indirect movement to have the punitive consequences of the Avestan prohibition. ŠnŠ 2.68 rules that indirect movement of dead matter with a piece of wood transmits impurity only when the whole corpse is moved, but not in the case of partial movement. And PRDD 55.2 asserts that people who are in motion on a bridge, on which a corpse is being carried, are ritually impure by way of indirect movement of the corpse.

Jacob Neusner has previously suggested a possible connection between the bridge episode in PRDD 55.2 and mZav 3:1, according to which a *zav* transmits impurity to a person who is otherwise in a state of purity when they are sitting together upon an unstable surface, in a manner that one is able to cause indirect movement to the other.[72] Unlike other impurities in the Jewish ritual system, however, in the case of a *zav* impurity is transmitted whether the "pure" causes movement to the "impure" or the "impure" causes movement to the "pure."

Despite certain inaccuracies in his analysis, Neusner is correct in pointing out the essential similarity that exists between the rabbinic and Zoroastrian discussion of indirect movement of impurity. While the rabbis discuss this legal matter already in tannaitic sources, it appears that the rabbinic discussion concerning the modes of indirect movement of impurity is particularly emphasized and abstracted in the Babylonian Talmud in a manner that suggests intimate connections with Zoroastrian sources.

One of the Talmud's discussions of indirect movement of impurity appears in bEruv 35a:

רבה ורב יוסף דאמרי תרויהו: הכא במגדל של עץ עסיקי׳, ובהא קא מי(ל)(פ)לגי, מר סבר כלי הוא ואין בניין בכלים ואין סתירה בכלים. ומר סבר אהל הוא. ובפלוגתא דהני תנאי, דתניא: הקיש על גבי דלת[73] שידה תיבה ומגדל טמאין, ר׳ נחמיה ור׳ שמעון מטהרין באילו. מאי לאו בהא קא מיפלגי דמר סבר כלי הוא ומר סבר אהל הוא? אמ׳ אביי: ותיסברה, והתניא אהל וניסט טמא, כלי ואינו ניסט טהור. וקתני סיפא אם היו ניסטין[74] טמאין. זה הכלל, ניסט מחמת כחו טמא, מחמת רעדה טהור. אלא אמ׳ אביי: דכולי

[72] Neusner 1993, 143–145. Compare also mZav 3:3.
[73] Thus in Vatican 109, Oxford 366, and Munich 95; the printed editions omit the word דלת.
[74] Oxford 366: אם היו הניסטין דלת ומגדל טמאין.

עלמא הסט מחמת כחו טמא,[75] והכא ברעדה מחמת כוחו קא מיפלגי, דמר סבר האי הסט הוא, ומר סבר לאו הסט הוא.[76]

Rabbah and Rav Yoseph both explained: we are dealing here with a wooden cupboard, one master being of the opinion that it has the status of a vessel to which the prohibition of building and demolition does not apply, while the other master is of the opinion that it has the status of a tent. And they differ on the same principle as the following authorities, for we have learned: "(If a *zav*) beat (his fist) upon a chest, a box or a cupboard they become unclean, but R. Nehemiah and R. Shimon declare them clean." Now, do they not differ on the following principle, namely one master is of the opinion that it is regarded as a vessel while the other master is of the opinion that it is regarded as a tent? Abaye said: is this correct? Was it not in fact taught: "If it was a tent that can be shaken it is unclean; if it is a vessel that cannot be shaken it is clean"? And, furthermore, in the final clause it is taught: "But if they were shifted they become unclean; this being the general rule: (If the object) is shifted from its place as a direct result of the *zav*'s strength, it becomes unclean, (but if it is moved from its place) on account of the vibration (of an object on which it rested) it remains clean"? Rather Abaye said: all agree (that an object that) was moved from its place as a direct result of a *zav*'s strength is unclean [and if it moved as a result of the shaking of another object on which it rested it is clean], but here we are dealing (with an object), the vibration of which was the direct result of the *zav*'s strength. And it is this principle on which they differ: One master is of the opinion (that such vibration) is regarded as a shifting (of the object from its place), and the other master is of the opinion that it is not so regarded.

In an attempt to explain a dispute in the Mishnah regarding an *eruv* (a portion of food placed before the Sabbath, enabling the members of a shared courtyard to carry things in common property and from one house to another) that was placed in a closed structure, Rabbah and Rav Yoseph suggest that the Mishnah has a wooden structure in mind. The anonymous Mishnah holds this structure as a *keli* (implement), in which case the prohibition of constructing and dismantling on the Sabbath does not apply, and therefore the *eruv* is regarded as essentially accessible. R. Eliezer, on the other hand, holds this wooden structure to be an *ohel* (permanent tent), in which case the *eruv* is inaccessible without violating the restriction of dismantling on the Sabbath. In support of their suggestion, the Talmud quotes a tannaitic dispute from mZav 4:3, concerning a *zav* who beat his fist on a (wooden) structure.[77] While the anonymous Mishnah holds this structure to be defiled, R. Nehemia and R. Shimon regard the structure as pure. The anonymous Mishnah thus holds – according to this explanation – that the structure is considered an implement and can thus be shaken by a *zav*, while R. Nehemia and R. Shimon hold this structure to be a permanent tent that is unaffected by the beating of the *zav*.

---

[75] Thus in Vatican 109; other textual witnesses add מחמת רעדה טהור.

[76] bEruv 35a, according to Vatican 109.

[77] mZav 4:3; cf. tZav 4:6.

Abaye, a mid-fourth-century Babylonian authority, contradicts the suggestion of his teachers Rabbah and Rav Yoseph, on the grounds that as far as the movement of impurity is concerned, there is no difference between the categories of a permanent tent (as long as it is disconnected from the ground) and an impermanent implement. In both cases, what matters is whether or not the *zav* is able to shake or move the structure. Based on a Baraita that appears in tZav 4:6,[78] Abaye suggests that when the structure is shaken directly by the power of the *zav* it is defiled (regardless of the status of the structure). In the case of indirect movement of the structure, however, through the movement of that upon which the structure is situated, the structure is pure. The disagreement in mZav 4:3 concerns a relatively complex situation in which the structure merely trembles (but is not shaken) through the direct power of the *zav*.

The legal distinctions made by Abaye between different modes of direct and indirect shaking are indeed reminiscent of the distinctions we have encountered in Pahlavi literature. The first distinction made by Abaye between the direct power of a *zav* and his indirect power is quite similar to the distinction made in the Pahlavi sources between the movement of a corpse with one's body and the movement of a corpse with a mediating instrument. The second distinction made by Abaye, between causing something to merely tremble and actually causing it to move – a distinction according to which he interprets a tannaitic dispute – is somewhat reminiscent of the distinction made by ŠnŠ between movement of the entire corpse and partial movement of the corpse. In both cases a distinction is essentially made between two levels of "movement."

The matter of indirect movement of impurity is further abstracted and generalized by fourth- and fifth-century Babylonian authorities, who attempt to apply the notion of indirect movement to other legal arenas. Several Babylonian authorities thus juxtapose the notion of indirect movement of impurity to other rabbinic categories in which the question of indirect movement is relevant. The following statements apply the rules of indirect movement of impurity to the legal categories of indirect damages and the indirect contact of heathens with wine.

אמ רבא: כל שבזב טמא בנזקין משלם נזק שלם, וכל שבזב טהור בנזקין משלם חצי נזק. ורבא צרורות אתא לאשמעינן? לא, עגלה מושכת בקרון[79] אתא לאשמעינן.[80]

[78] tZav 4:6.
[79] Florence omits בקרון.
[80] bBK 17b, according to Hamburg 165.

אמ׳ רב אשי: כל שבזב טמא בגוי עושה יין נסך, כל שבזב טהור בגוי אינו עושה יין נסך. איתיביה ר׳ חייא בר אשי[81] לרב אשי: נטל את החבית וזרקה ב[ח]מתו[82] לבור, זה היה מעשה בבית שאן[83] והתירו.[84] בחמתו אין, שלא בחמתו לא. התם כגון דקאזיל מיניה מיניה.[85]

Rava said: Whatever would involve defilement in (the activities of) a *zav* will in the case of damage result in full payment, whereas that which in (the activities of) a *zav* would not involve defilement, will in the case of damage result in payment of one half of the damage. Was Rava's sole intention to intimate to us (the law of) pebbles? No, Rava meant to tell us the law regarding cattle drawing a wagon (over utensils which were thus broken).

R. Ashi said: Whatever is rendered unclean by a *zav* makes wine (in a similar circumstance) *nesekh* by a heathen, and whatever is not rendered unclean by a *zav* does not make wine *nesekh* by a heathen. R. Hiya bar Ashi quoted against R. Ashi: "if he took a cask and in his anger threw it into the vat – this actually happened in Beit She'an – and (the Rabbis) declared it fit (for drinking)." In his anger it is (fit for drinking) but if he had not done it in anger it would not (be fit)! There (it refers to the circumstance in which the cask) was being roiled by him (the whole distance into the vat).

The Babylonians rabbis were thus engaged – above and beyond their Palestinian predecessors – with the issue of indirect movement of impurity, in ways that are reminiscent of the discussions of contemporaneous *dastwar*s. Whether by throwing, causing something to tremble, or shaking with a mediating instrument, the same essential matter was at stake for these sages. They all attempted to define the limits of transmission of impurity in the case of indirect movement. There are of course important differences between the rabbinic and Zoroastrian accounts of indirect movement, but these differences on particular details only highlight the shared intellectual context in which similar legal conceptions were developed.

This is not to suggest that rabbis and *dastwar*s in Babylonia were "influenced" by one another or that they somehow "imported" the notion of indirect movement of impurity. One must seek more sophisticated and nuanced comparative models to explain the complexity of the evidence in this case. The insight that emerges, though, is that the affinity that is reflected in the Talmud and the

---

[81] New York, Paris, and Mosseri fragment: ר׳ חייא בר אשי; Munich 95, Bologna fragment, and printed editions: רב הונא; Austria fragment: ר׳ חייא; Halakhot Gedolot Vilna: רבינא; Halakhot Gedolot Berlin: רבא; Halakhot Gedolot Paris: ר׳ אבהו. Of course, some of these rabbis could not possibly have posed a question to R. Ashi. For these and other variants, see Rosenthal 1980, 153–159.

[82] Rosenthal (1980, 153–159) argues that all manuscripts of the Babylonian Talmud read בחמתו. (See, however, the Bologna fragment, which is clearly missing בחמתו.) The "Babylonian" version of this Mishnah is also discussed by Hayes 1997, 42.

[83] Thus in Paris and the printed editions; other witnesses omit בבית שאן.

[84] Thus according to Paris, New York, and Munich 95; the printed editions have והכשירו; Mosseri fragment has והכשירוהו חכמים.

[85] bAZ 60b–61a, according to Paris 1337.

Pahlavi literature in this respect – whether stemming from a shared intellectual discourse or from coexistence in the same cultural milieu – extends beyond the general "analogous" connections we have encountered in earlier Palestinian rabbinic literature.

An important methodological finding of this study, therefore, is that the sense of similarity that exists between the rabbinic and Zoroastrian legal discussions is heightened in the interplay between the Talmud and the Pahlavi sources, above and beyond the affinity that is found in earlier rabbinic and Zoroastrian literature. While the rabbis and *dastwar*s grappled indeed with similar exegetical and legal concerns pertaining to the transmission of impurity through movement, it is the Talmud's focus on indirect movement of impurity that truly reflects the unique intellectual concerns that emerge from the Pahlavi literature.

Bibliography

Anklesaria, B. T. 1949. *Pahlavi Vendidâd: Zand-î Jvîṭ-Dêv-Dâṭ: Transliteration and Translation in English*. Edited by D. D. Kapadia. Bombay: K. R. Cama Oriental Institute.

Benveniste, E. 1970. "Que Signifie Vidēvdād." In *W. B. Henning Memorial Volume*, edited by M. Boyce and I. Gershevitch, 37–42. London: Lund Humphries.

Bishop, D. L. 1974. *Form and Content in the Videvdad: A Study of Change and Continuity in the Zoroastrian Tradition*. Ph.D. dissertation, Columbia University.

Boyce, M. 1968. "Middle Persian Literature." In *Handbuch der Orientalistik* 4.2.1 (Iranistik), *Literatur, Lieferung* 1, edited by B. Spuler, 31–66. Leiden: E. J. Brill.

Cantera, A. 2004. *Studien zur Pahlavi-Übersetzung des Avesta*. Iranica 7. Wiesbaden: Harrassowitz.

–. 2010. "Lost in Transmission: The Case of the Pahlavi Vīdēvdād Manuscripts." *Bulletin of the School of Oriental and African Studies* 73 (2):179–205.

Cheung, J. 2007. *Etymological Dictionary of the Iranian Verb*. Leiden Indo-European Etymological Dictionary Series 2. Leiden: Brill.

Choksy, J. K. 1989. *Purity and Pollution in Zoroastrianism: Triumph over Evil*. Austin: University of Texas Press.

Elman, Y. 2005 [published 2009]. "The Other in the Mirror: Iranians and Jews View One Another: Questions of Identity, Conversion, and Exogamy in the Fifth-Century Iranian Empire, Part 1." *Bulletin of the Asia Institute* 19 (Festschrift for P. O. Skjærvø):15–26.

–. 2006 [published 2010]. "The Other in the Mirror: Iranians and Jews View One Another: Questions of Identity, Conversion, and Exogamy in the Fifth-Century Iranian Empire, Part 2." *Bulletin of the Asia Institute* 20:25–46.

–. 2010. "Toward an Intellectual History of Sasanian Law: An Intergenerational Dispute in *Hērbedestān* 9 and Its Rabbinic Parallels." In *The Talmud in Its Iranian Context*, edited by C. Bakhos and R. Shayegan, 21–57. Tübingen: Mohr Siebeck.

Hayes, C. 1997. *Between the Babylonian and Palestinian Talmuds: Accounting for Halakhic Difference in Selected Sugyot from Tractate Avodah Zarah*. New York: Oxford University Press.

Horvitz, H. S., ed. 1966. *Siphre D'be Rab (Sifre on Numbers)*. Jerusalem: Wahrmann.
Jamasp, D. H., and M. M. Gandevia, eds. 1907. *Vendidâd: Avesta Text with Pahlavi Translation and Commentary and Glossarial Index*. 2 vols. Bombay: Government Central Book Depôt.
Jany, J. 2005. "The Four Sources of Law in Zoroastrian and Islamic Jurisprudence." *Islamic Law and Society* 12 (3):291–332.
–. 2007. "Criminal Justice in Sasanian Persia." *Iranica Antiqua* 42:347–361.
Kahana, M. 2005. *The Genizah Fragments of the Halakhic Midrashim*. Jerusalem: Magnes Press.
–. 2011. *Sifre on Numbers: An Annotated Edition, Part 1: The Edition*. Jerusalem: Magnes.
Kiel, Y. 2011. "Selected Topics in Laws of Ritual Defilement: Between the Babylonian Talmud and Pahlavi Literature." Ph.D. dissertation, Hebrew University of Jerusalem.
–. 2013. "Cognizance of Sin and Punishment in the Babylonian Talmud and Pahlavi Literature: A Comparative Analysis." *Oqimta: Studies in the Talmudic and Rabbinic Literature* 1:1–49. http://www.oqimta.org.il/oqimta/5773/kiel1.pdf.
Klawans, J. 2000. *Impurity and Sin in Ancient Judaism*. New York: Oxford University Press.
Kugel, J. L. 1997. *The Bible as It Was*. Cambridge, MA: Belknap Press of Harvard University Press.
MacKenzie, D. N. 1971. *A Concise Pahlavi Dictionary*. London: Oxford University Press.
Macuch, M. 2003. "On the Treatment of Animals in Zoroastrian Law." In *Iranica Selecta: Studies in Honour of Professor Wojciech Skalmowski on the Occasion of His Seventieth Birthday*, edited by A. van Tongerloo, Silk Road Studies 8, 167–190. Turnhout, Belgium: Brepols.
Moscovitz, L. 2002. *Talmudic Reasoning: From Casuistics to Conceptualization*. Texts and Studies in Ancient Judaism 89. Tübingen: Mohr Siebeck.
Neusner, J. 1993. *Judaism and Zoroastrianism at the Dusk of Late Antiquity: How Two Ancient Faiths Wrote Down Their Great Traditions*. Atlanta: Scholars Press.
Noam, V. 2010. *From Qumran to the Rabbinic Revolution: Conceptions of Impurity* [Hebrew]. Jerusalem: Yad Izhak Ben-Zvi Press.
Olivelle, P. 1999. *Dharmasūtras: The Law Codes of Ancient India.* Oxford: Oxford University Press.
–. 2005. *Manu's Code of Law: A Critical Edition and Translation of the "Mānava-Dharmaśāstra."* Oxford: Oxford University Press.
Rosenthal, D. 1980. *Mishnah Avodah Zara: A Critical Edition with Introduction* [Hebrew]. Ph.D. dissertation, Hebrew University of Jerusalem.
Safa-Isfehani, N. 1980. *Rivāyat-ī Hēmīt-ī Ašawahistān: A Study in Zoroastrian Law*. Harvard Iranian Series 2. Cambridge, MA: Harvard University Press.
Satlow, M. 2008. "Beyond Influence: Toward a New Historiographic Paradigm." In *Jewish Literatures and Cultures: Context and Intertext*, edited by A. Norich and Y. Z. Eliav, Brown Judaic Studies 349, 37–53. Providence, RI: Brown Judaic Studies.
Secunda, S. I. 2007. *" 'Dashtana – Ki derekh nashim li':* A Study of the Babylonian Rabbinic Laws of Menstruation in Relation to Corresponding Zoroastrian Texts." Ph.D. dissertation, Yeshiva University, New York.
–. 2010. "The Sasanian 'Stam': Orality and the Composition of Babylonian Rabbinic and Zoroastrian Legal Literature." In *The Talmud in Its Iranian Context*, edited by C. Bakhos and M. R. Shayegan, 140–160. Tübingen: Mohr Siebeck.

Shaked, S. 1996. “The Traditional Commentary on the Avesta (Zand): Translation, Interpretation, Distortion.” In *La Persia e l’Asia Centrale da Alessandro al X Secolo*, 641–656. Rome: Accademia Nazionale dei Lincei.

–. 2003. “Scripture and Exegesis in Zoroastrianism.” In *Homer, the Bible, and Beyond: Literary and Religious Canons in the Ancient World*, edited by M. Finkelberg and G. G. Stroumsa, 63–74. Leiden: Brill.

Skjærvø, P. O. 2007. “The *Videvdad*: Its Ritual-Mythical Significance.” In *The Age of the Parthians*, edited by V. S. Curtis and S. Stewart, The Idea of Iran 2, 105–162. London: I. B. Tauris.

Smith, J. Z. 1990. *Drudgery Divine: On the Comparison of Early Christianities and Religions of Late Antiquity*. Chicago: University of Chicago Press.

Sokoloff, M. 2002. *A Dictionary of Jewish Babylonian Aramaic of the Talmudic and Geonic Periods*. Dictionaries of the Talmud, Midrash and Targum 3. Ramat Gan: Bar Ilan University Press; Baltimore: Johns Hopkins University Press.

Tavadia, J. C., ed. 1930. *Šāyast-nē-šāyast: A Pahlavi Text on Religious Customs*. Hamburg: Friederichsen, De Gruyter.

Vevaina, Y. S.-D. 2007. “Studies in Zoroastrian Exegesis and Hermeneutics with a Critical Edition of the *Sūdgar Nask* of *Dēnkard* Book 9.” Ph.D. dissertation, Harvard University.

–. 2010. “Relentless Allusion: Intertextuality and the Reading of Zoroastrian Interpretive Literature.” In *The Talmud in Its Iranian Context*, edited by C. Bakhos and M. R. Shayegan, 206–232. Tübingen: Mohr Siebeck.

–. 2012. “Scripture Versus Contemporary (Interpretive) Needs: Towards a Mapping of the Hermeneutic Contours of Zoroastrianism.” In *Shoshannat Yaakov: Jewish and Iranian Studies in Honor of Professor Yaakov Elman*, ed. S. Secunda and S. Fine, 465–485. Leiden: Brill.

Williams, A. V., ed. 1990. *The Pahlavi Rivāyat Accompanying the Dādestān ī Dēnīg*, 2 vol., The Royal Danish Academy of Sciences and Letters: Historisk-filosofiske Meddelelser 60:2. Copenhagen: Munksgaard.

Zuckermandel, M. S., ed. 1970. *Tosephta: Based on the Erfurt and Vienna Codices* [Hebrew], with “Supplement to the Tosephta” by Saul Lieberman. Jerusalem: Sifre Vahrman.

Source Index*

Cuneiform Sources (Tablets and Compositions)

11N-T3 323
11N-T5 323

ABC
1 139

ABL
926, 1 277

ACT
110 243

AO
6478 (TCL 6 21) 296

Balawat
VI, 4 277

BE
28186 110, 111

BM
25563 141
26542, 16 124
26553 116, 137, 141
28917, 23–24 125
33428 Ib, 18'–20' 274
47447 205
47449 204
61246 140
64240 140
67179 335
67179 r.13' 337, 343, 344
67179 r.2' 344
74554 141
79022 257
82653, 15 124
82787, 14 124
85578 124
91771 272
96102, 28 124
96149, 20–21 124
96257, 9–10 124
103598, 2 124

BRM
4, 32 324
4, 32:26 337
4, 32:26–27 340
4, 32:5 341

BWL
Pl. 73 261

CT
13 43b rev. iii 1–16 204
13 43b 204
13, 32+:5, r.5' 358
41, 39:6, 8 362
46 55 296
55 341 137
56 132, 795 137
57 197, 700 137

CUSAS
10, 11 257

Cyr
307 137, 141

* Index prepared by Amit Gvaryahu with Maya Rosen.

Gilgamesh Epic 176–188
SB I 1–28 182
SB I 1–28,29 195
SB I 7 183
SB IX 3–7 176
SB IX IX–XI 176
SB V 76 179
SB X 169–206 177
SB X 207–218 177
SB XI 205–206, 207 197
SB XI 281–286, 177 197
SB XI 303–307, 177 197
SB XI 308–321, 177 197
SB XI 325 197
SB XI 8–ca. 208 178

HSM
1895.1.12, 15–16 124

IAC
267, 11 124

KAR
94:1'–2', [3'–4'] 353
158 258
307, 25 168

Laws of Hammurabi
7 28–9
6–14 28
59 27
112 28
113 28
120 28l
123 29
265 28, 142, 258
209–211 20
229–231 20

MAL
55 30

Maqlû
I: 28, 33 261
III: 151–154 271
V: 73 261
VI: 120–127 278
IX: 23', 27', 45' 262

MUL.APIN
II Gap A 8–ii 6 226
II 18–21 225

NRV
622 122

OECT
10, A 125, 17 114

RS
12.061 lines 5–6 235

SAA
3, 32:r.6 343
3, 38:r.7, 8 355
8, 52:5–6 353
8, 57:r.1–2 352
8, 60 238
8, 64:r.8 352
8, 80:9 352
8, 98, r.8–10 226
8, 99:7 352
8, 114:2–3 353
8, 502:6 352, 354
8, 336 341
8, 535 341
10, 112:r 355
10, 104:13'–14' 354
10, 42:r.9–10 353
10, 72:19–20 353
10, 225 obv. 8–15 240
15, 223, 11–14 274
17, 45, r.e. 18–e. 1 274
18, 158 (ABL 878), 8–11 277

Sakikku
I, 4 311

Winkler, Sar.
Pl. 30, no. 63:7 278

SBTU
1, 27:r. 21–23 339
1, 27:r.21 337
1, 28: 9–10 352
1, 32, rev. 11–13 325

1, 46:16–19 358
1, 46:6–8 354
1, 47:10–11 358
1, 47:14–15 352
1, 49:27–28 352
1, 50:34 352
1, 49 309
1, 90:r.3 344
1, 90:r.3’ 337, 343
2, 54:43–46 353
3, 99 331
3, 99:26 352
3, 99:43–46 337
3, 99:44 337
4, 142:r.12’ 353
4, 145:10 343, 344
4, 145:6, 7 344
4, 145:6, 7, 10 337
5, 259:4’ 353
5, 263:6’ 353
8, 47:2–5 3

STT
403 327

Šumma alu
37 23

Šumma izbu 20

Šurpu
II 20–28 23

TCL
6, 58 262

TIM
9, 65, 66 263

TU
11 238, 240, 242, 243
11, section 15 243
11, obv. 1 243
11, obv. 35 243
58 328

UET
4, 208 322
6/3, 897 324
6/3, 897:3’ 354
7, 127 261
7, 128 261

Uruana
I 323–329 340

Utukku lemnutu
IV 158’–160’ 271

VAS
1 37 iii, 24–26 277

VAT
8917 168
16378 110, 111

VS
3 6 136, 141
6 128 122, 133
17, 23 257

YOS
11 257–8

ZA 75 (IB 1554) 257

Aramaic Sources (Magic Bowls)

AIT
16, 8 280
28 272
36, 3 272

AMB
B7, 6 272
B13, 17 272

BM
132947 273
132956 273
135563 270, 273–6, 278–9
135794 Ia, 16–19 272

Davidovitz 2 275, 276, 278, 279

JNF
90 274, 275, 276, 278
160, 1 272

MS
2054/55 273
2054/114 273

VA
2493, 5 280

Old Testament

Gn
1 39, 169, 228
1:1 198
1–2:4a 174, 205
2:2–4a 198
5:22, 24 180
6:9 180
6–9 205
11:3 197
33:17 349–50

Exod
2:13 77
2:22 346
12:2 222
12:37 349
15:26 279
20:8 361
21:13 28
22:1 28
22:17 18
23:14–19 221
23:4 346
24:7 35
24:10 169, 197
24:9–10:31 169
25 193
25:8 193
25–31, 35–40 169
28:17–20 192
28:21 193
31:3, 5 198
34:18–23 221
34:29–35 197
35:29–35 198

Lev
4:2 13, 22, 27
5:17 63
5:5 18
11:25 414, 423
11: 28 423
15:10 414, 423
16:21 18
20:18 407
20:27 18, 23, 221, 228
23:2 4, 37, 237
23:43 345, 350
25 228
26:38 346
28 414

Num
19 424
19:13 413
31 424
31:57 424
33:7 349

Deut
3:11 174
4:5–8 32
4:8 32, 38
5:12 361
6:16 18
18:11 18

7:15 279
11:10–15 285
17:18 35
19:4–6 28
22:25–27 28
26:5 43

Joshua
24:2 43

1 Sam
2:16 77
14:26 346

1 Kgs
7:14 198

2 Kgs
4:23 228
15:8, 13 222

Is
45:8 288

Jer
5:15 190
25:11 173
25:26 173
36:9, 22 (MT) 223
51:1 173
51:41 173

Ez
1 167
1:18 166
3:15 165
4:4–8 LXX 170

MT 171
7:21 166, 179
10:1 169
16:30 165, 166
16:36 166
17:13 165
18:7, 12,16 166
21:19–27 181
21:21 172
23:12 166
23:13 198
23:14 166
23:5 166
26 181
26:7 182
26:9 166
26:12 180
27:15 166, 167
27:19 166
27 180, 181
27:3 166
27:4 166
27:24 166, 167
28 179, 182, 183, 190, 192, 193, 200, 206
7, 17 197
28:4 196
28:11–19 191
28:13 199, 205
28:13 MT and LXX 191–2
28:14 197
28:17–20 191
31 181
31:11 165
32 181
33:15 166
39:10–13 191, 192
40:5 166
40–48 192
41:15 166
41:16 166
43:10–11 193
43:14 166
48:30–34 193

Hos
2:13 228

Joel
4:18 346

Am
3:8 295

Hab
1:12–13 362
2:7–8 360

Zec
3:2 279

Ps
42:8 287
51:8 182
72:10 167
104 40
107 291
107:26 292
136 371
137 163, 371
137:4 190
104 291

Job
22:8 77

38:15 77
39:1 263

Eccl
4:12 179

Song
2:12 287

Daniel
1:3–7 314, 330
9:24 173

2 Chr
30 226

Qumran

CD 10:14–17 361
1QpHab 360–2
4Q208 217
4Q211 ii–iii 227
4Q317 231
4QMMT 58–9, 87

Pseudepigrapha and Apocrypha

1 En
72–74 241
75:1–2 230
82:4–6 230
82:8–20 227

Jubilees
6:36 236

New Testament

John
6:27 194

1 Cor
15 194

Heb
1:3 194

Mishnah

Baba Batra
2:13 241

Kelim
1:2 423

Rosh ha-Shanah
1:1 223
1:19 237
1:1 223
1:3–3:1 232
2:6 238, 243
2:10 237

Sanhedrin
4:5 40

Shabbat
6 76
7:1 74

Toharot
5:1, 5 49

Yevamot
15.1–2 62

Yoma
8 18

Zavim
3:1 428
3:3 428
4:3 429–30
5:1 423
5:3 425–6
5:7 425–6

Tosefta

Kelim 76

Ohalot
1:1 423–4

Pesahim
8:2 226

Rosh ha-Shanah
1:17 239

Sanhedrin
2 232
2:6 226

Taanit
1:4 287

Zavim
4:6 429–30

Midrash

Gen Rab
13:14 287
93:20 (Theodor-Albeck, 1167) 348

Mekhilta de-Rabbi Ishmael
Piskḥa 14 (Horowitz-Rabin, 48) 349
Amalek 1 (Horowitz-Rabin, 191) 347

Mekhilta de-Rabbi Shimon bar Yohai
12:37 350
13:5 346
19:20 347
23:5 346

Sifra 94, 345, 347, 406–8

– Sheratzim
7:1 (Weiss, 54) 347
8:2 (Weiss 55) 347
10:1 (Weiss, 56) 347

– Zavim
4:1 407

– Qedoshim
1:1 (Weiss, 87) 347

– Emor
9 232, 237
12: 4 (Weiss, 103) 345

– be-Huqqotai 2:6
(Weiss, 112) 346

Pirqe de-Rabbi Eliezer
6 241

Sifre Num
127 424, 425
130 424

Sifre Zuta Num
19 424

Palestinian Talmud

Baba Kamma
2:5 [3a] 84

Berakhot
1:2 263

Niddah
2:3 407

Rosh ha-Shanah
56d 224
2:4 [58a] 241
2:5 (58a) 241
58a 239, 241
58b 240

Sanhedrin
1:2 [18c–19a] 232
2:5 [58b] 236
7:4 [24c] 80
7:9 [25c] 80

Shabbat
7:2 [9c–d] 80

Sotah
6:1 [54c] 80

Babylonian Talmud

Arakhin
28a 157

Avoda Zara
11b 272
60b–61a 431

Baba Batra
8a–b 301
16b 263
54b, 55a 148
73–75 291
73a 300
73a 286
73a–b 292
84a 37

Baba Kamma
17b 430
21a–b 89
22a 84
107a 286
111a 417
113a 148

Baba Metzia
23b, 25a 78
119a 301

Berakhot
58a 154, 158

Eruvin
35a 428, 429
55b 286
56a 241
62a 157

Gittin
4a 286
11a 300
28b 156, 157
40a 157

Hagigah
16a 37

Hulin
59b 295
124b 426, 427

Ketubbot
63b 259
75a 417

Kiddushin
7a 417
41a 417
45a 89
60b 157

Niddah
19a 407
20b 301
43a 423

Pesahim
30b–31a 89
94a 296

Shabbat
12b 241
21a 286
83a–b 423
149a 241

Rosh ha-Shanah
19b 225
24a 242, 243

Sanhedrin
10b–13b 232
27a 89
39a 298–9
39b 301
58b 77
61b 89
72a 28
73a 28
94a 43
109a 272

Sotah
22a 397

Sukkah
34a 272

Taanit
25b 286

Temurah
4a 89

Yevamot
118b 417
120b 286

Yoma
75b 286

Zevahim
113b 286

Persian Literature

Avestan Videvdad
1.1 421
l.6 42
3 39, 416
3.14 407, 414, 417, 420, 421
3.5–6 401
3.14–21 416
3.22 416
4 39
4 38
4.2–16 38
4.2 42
4.4 42
4.10 42
4.16 42
4.17 38
4.18 76
4.19 77
4.20 77
4.22 38
4.29 38
4.30 38
4.30–8.107 421
4.34 38
4.37 38
4.40 38
5.1–3 65
5.4 382
5.21 396
5.23 35
5.24–25 152
5.27–28 387
5.39–40 29
8.42–58 416
8.58 416
9.32 416
9.40 416
10.18 396
16 405
22.19 421

Bundahišn
14 288
21c:6–8 289, 293
24 291
24:10–21 288
30.19–21 41

Dādestān ī Dēnīg
74.4 41
92 293

Dādestān ī Mēnōg ī Xrad
62:26–27 288

Dēnkard
3.387 384
4.14–25 403
4.20 403
4.22 403
5.24.13 379
7.4.19 383
7.8.29 383
8.36: 17 78
8.38 384
9.25.2 384

DkM
693.16–20 155

Frahang ī ōīm
25a 153

Gaθas
4.51.13 382
5.53.8–9 382
51.22 378

Handarz ī dānagān ō mazdēsnān
6 150

Hērbedestān
1 46
2.6 35
2.10 35
9.8 30
20.2.1 18

MHD
1.2–4 47
3.6–8 154

12.15 91
52.3 70
60.16–61.1 148
78.2–11 47
93.4–9 47
98.14–17 84

MHDA
12.12–13 154
13.15–16 154
26.7–27.4 154
260 10.10–13 91

Mihr Yašt
1.2 150

Pahlavi Gaθa
4.51.13 382
5.53.8–9 382

Pahlavi Videvdad
3.14 408, 416, 417, 419, 420, 421, 428
5.3 72, 75
5.4 65, 72, 77, 383
5.7 65
5.25–26 71
5.33–34 386
5.34 65
5.38 69, 70
5.44 74
6.1–5 73
6.5 73, 74
6.5J 384
6.5P 385
6.5Q 385
6.24–25 72
7.15 45
8.34 67
16.1 406
16.12 74

PRDD
49.8 288
55.2 422, 428
35a6 288

REA
15 386, 413, 420
16 65, 419

ŠnŠ
1.1–2 418
1.3–4 420
1.4 49
2.18 386
2.42 65
2.25 385
2.66 419, 420
2.68 419, 421, 428
2.71 419, 421
2.72 49
2.107–108 418
3.29 69
8.5–6 418

Supplements
11:1–2 418
16:1–4 418

WiZ
28.2 152

YH
36.6–7 377

Zādsprahm
3:16 294

ZFJ
453–454 388
455 387
455–456 65
456.4–13 69
479 73
481 385
482–483 74, 386
494.9 and 514 72
499.13–14 72
506 60
507.13–508.2 70
510.1 67
515–517 65
519.8–11 70
541.5–6 72

542 383
553.6 72
562 69
580.1–10 71
587.3–8 74
632.6–7 71
632.9 67
654.12 72
654.12–13 72

Sanskrit Literature

Gautama Dharmasutra
14: 23–33 413
Manu's Code
5:85–87, 413

Medieval Jewish Literature

Mishneh Torah,
The Laws of Corpse Impurity
1: 7 423
Tosafot Git
11a 300

Greek Sources

PGM 273
I.130–132 261
I.192–194 261
I.247–262 273
IV.2967–3006 273
V.213–303 273
XIV.805–840 273
XXXVI.161–177 273
LXIX.1–3 273
Pliny, Nat.Hist.
37.60 218

Quran

Q 33:40 194

Index Nominorum*

Agostini, Domenico 48, 406
Albani, Matthias 224
Alexander, Philip 218
Assmann, Jan 13, 15, 34
Auerbach, Elias 222

Bailey, H. W. 42
Bakhtin, Mikhail 409
Baumgarten, Joseph 59
Bellah, Robert 12, 32
Beller, Eliyahu 244
Bottéro, Jean 24, 34
Boyarin, Daniel 85
Boyce, Mary 9, 17, 18, 42–3, 92, 419
Brack-Bernsen, Lis 242
Brettler, Mark 36
Brodsky, David 81
Brody, Robert 92

Cantera, Alberto 48, 151, 415
Cavigneaux, Antoine 314
Charpin, Dominique 22
Cogan, Mordechai 245

Daube, David 81, 82, 394
Dehaghi-Jaffari, Mahmoud 41
Dijk, J. van 110
Donald, Merlin 12
Driver, Godfrey Rolles 28

Eichler, Barry 31
Elkana, Yehuda 37
Elman, Yaakov 81, 380, 393, 405–6, 409, 413

Finkel, Irving 322
Finkelstein, Jacob J. 15, 39
Fishbane, Michael 26–28, 30
Ford, James Nathan 260
Frahm, Eckhart 21, 308, 314, 339
Friedman, Shamma 80, 94

Gabbay, Uri 21, 323, 325, 329
Geller, Mark 9, 218, 262, 271–2, 329, 335, 337, 344
Geller, Stephen 40
George, Andrew R. 174
Gesche, Petra 204
Gnoli, Gherardo 15
Gray, Alyssa M. 94
Greenberg, Moshe 39, 166
Greenfield, Jonas C. 125
Guinan, Ann 17

Halivni, David Weiss 80, 87
Heine, Heinrich 332
Henkelman, Wouter 177
Herman, Geoffrey 393
Hezser, Catherine 11
Hess, Christian W. 261
Holtz, Shalom 31
Honoré, Tony 93
Horowitz, Victor 32, 296
Horowitz, Wayne 226
Huyse, Philip 42

Jaspers, Karl 13–14, 36, 39

Kessler, K. 122
Kiel, Yishai 73, 81, 408

* Names in acknowledgments, as well as names which simply introduce bibliographic references, were generally not indexed. For names of ancient figures, consult the general index.

Kiesele, Eva 48, 406
Kiperwasser, Reuven 393
Koch Westenhotz, Ulla 22
Kohut, Hanoch Judah 286
Koldewey, Robert 137
König, Götz 48, 383, 406
Kraus, Fritz Rudolf 11, 20
Kugel, James 405
Kwasman, T. 261, 271

Lambert, W. G. 31, 314
Landsberger, Benno 188
Leick, Gwendolyn 42
Levinson, Bernard 21, 39
Levinson, Joshua 285
Lewy, Hildegard 227
Lewy, Julius 227
Lieberman, Saul 239–40, 394
Lieberman, Stephen 314
Liverani, Mario 132, 142
Livingstone, Alasdair 322

Macuch, Maria 81
Malkki, Liisa 131
Márquez-Rowe, I. 123
McKenzie, David 78
Meyer, Eduard 233
Miles, John C. 28
Mizrahi, Noam 335
Moazami, Mahnaz 48, 60, 72–4, 77, 406
Morgenstern, Matthew 271–2
Moscovitz, Leib 12, 55, 94
Muffs, Yohanan 10
Müller-Kessler, Christa 122, 261–2, 271

Neusner, Jacob 156, 428
Nicholas, Barry 64
Nissinen, Martti 17
Noegel, Scott 44

Oppenheim, A. Leo 21

Paz, Yakir 335
Pearce, Laurie 111, 135, 172
Pelliot, Paul 372
Pitard, W. 109
Popovic, Mladen 230

Reviv, Hanoch 278
Rochberg, Francesca 23
Rosen-Zvi, Ishay 335
Rubenstein, Jeffrey 82, 83, 87
Rüpke, Jörg 220

Sagiv, Yonatan 335
San Nicolò 122
Satlow, Michael 415
Schiffman, Lawrence 59
Schmidt, Olaf 237
Schneider, T. 109
Schremer, Adiel 53, 66
Schwartz, Glenn M. 42
Schwartz, Seth 245
Scurlock, Jo Ann 218
Secunda, Shai 48, 49, 71, 73, 416
Segal, J. B. 271
Shaked, Shaul 15, 81, 416
Shapira, Dan 393, 403
Shemesh, Aharon 53, 57, 64, 66, 73, 81
Skjærvø, P. Oktor 16, 41, 48, 50, 150, 406
Sparks, K. L. 331
Spiegel, Friedrich 409
Stein, Aurel 371
Steinkeller, Piotr 109
Stern, Sascha 234, 238
Stol, M. 324

Tallqvist, K. L. 275
Thrope, Samuel 416
Trolle Larsen, Møgens 31

Ungnad, Arthur 122

Veldhuis, Niek 24
Vevaina, Yuhan 73, 403, 404

Wacholder, Ben Zion 219, 225, 233–5
Waerzeggers, Caroline 164, 321
Wallace-Hadrill, Adrian 220
Wasserman, Nathan 335, 347
Watson, Alan 83, 85–6, 91
Weidner, Ernst F. 137
Weinfield, Moshe 32
Weisberg, David 219, 225, 233–5

Westbrook, Raymond 10–11, 19, 20, 24–6, 29–30, 36, 54, 55
Wiesenberg, Ernst 239
Williams, A. V. 422
Winter, Irene 181
Wolff, Hans Julius 89, 92–3
Woods, Christopher 45
Wright, David 21, 28, 32
Wunsch, Cornelia 135

Zadok, Ran 133, 139, 331, 341

General Index

364, number 230
7, number 229

a priori reasoning 20, 25
aθarun 373
aθrawan 373
Abarg 47, 50, 66, 67, 70, 71
– school of 60, 66, 68, 69, 70, 71, 72
Abaye 88, 89, 93, 94, 429, 430
Abbasid 115, 125
Abnu Šikinšu 218
abstraction 22, 33, 39, 56, 57, 59, 82, 85
– generalization 31
– legal categories 26
acculturation 163
Achaemenid 1, 3, 5, 7, 8, 11, 12, 13, 14, 15, 16, 17, 24, 29, 42, 45–7, 55, 92, 110, 113–6, 118, 122, 124, 139, 217, 222, 223, 224, 229, 233, 245, 262, 279, 297, 317, 321, 322, 323, 324, 326–30, 331, 335–6, 341, 371, 374, 377, 378, 388, 397
– foreigners employed by 115
– king 113
Adad 118, 124, 190, 319
Adam 194, 197
– clothing of 197
Adapa 219
Adra 113
adultery 46, 258, 259
Ādurbād 402–3
aesthetic 402, 406
Afghanistan 374
afterlife 382
agdēn 148
agriculture 24, 42, 44, 46, 52, 73, 114, 115, 117, 119, 138, 142, 221, 226
Agušaya 260
Ahiqar 205, 328
Ahriman 16, 17, 44, 49, 291, 292, 294, 299
Ahuna Vairiia 375
Ahura Mazda 15, 16, 29, 35, 38, 76–7, 373, 377–8, 381, 396, 401
see also *Ohrmazd*
Airiiaman išiio 375
akitu 168, 220–1, 226
Akkadian 2, 4–6, 8, 10, 13, 114, 119, 121, 122, 165–7, 188, 197–8, 205, 228–9, 255–8, 260–6, 27–4, 280, 307–2, 318, 324, 327, 329–30, 335–8, 344, 347–9, 350–3, 356, 359, 362–5
– Diagnostic Handbook 271
– loans in Hebrew 200
– lexical equivalents 200
Alexander the Great 23, 30, 39, 127, 144, 177, 178, 183, 185, 186, 187, 326
Alexander Romance 177, 178, 183
– borrowing from EG 177
Alexandria 394
al-Ma'mun 379
al-Nadim b. al-Warraq 293
Alu-ša-Yahudayi see *Yahudu*
Al-Yahudu see *Yahudu*
Amahraspands 41
amar (technical term) 72, 359–65
Amil-Marduk 110
amoraim 84, 89, 93, 399
Amorite 186, 227
amulets 256
amulets, Jewish 279
ana … qabi/iqabbi 353
Anahita 9
analogies 11, 25, 26, 30, 33, 53, 56, 62, 234, 243
– analogical reasoning 33, 57, 61
– tannaitic 62
analysis, second-order 24, 69

Analytic School of Talmud study 85
Anatolia 378
Angra Manyu see *Ahriman*
animals 381, 386
– sacrifice 18
– stray 78
anise 340
Anshan 374
antiquity 408
ants 23, 24
Anu 168, 172, 205, 217, 320, 322, 324, 325, 326, 331, 334
Anu-ikṣur 324
Anzû 203, 325
Anzû and Erra, epics of 203
Apaoša 293, 294
apkallu 219
apocalyptic tradition, Jewish 246
apostasy 57, 154
Arab 7, 379
Arabian 116, 120, 185, 186, 187, 207
Arabic 42, 293
Arachosia 374
Aral 372
Aramaic 4, 8, 10, 42, 48, 111–2, 114–6, 120, 122–3, 125, 217–8, 224, 232, 255, 256, 259, 260, 261, 262, 263, 264, 265, 266, 270, 273, 280, 314, 328, 377, 383, 397, 400, 416, 417
– Astronomical Book 231
– names 123
– secrecy formula 261
– text in cuneiform 328
Aramean 43, 113
Arameograms 8
arbitration 3, 154, 158
archive: of Iššar-taribi family 110
– Bel-eṭeri-Šamaš 136
– Beliya'u 124–5
– "Carian" 122
– Ea-eppeš-ili B, 136
– Eanna 136
– Egibi 136
– Kasr 115
– Murašû, representation of foreigners in 113
– Paharu 124
– priestly 142
– Remut-Bel 124
– royal 112
– Sîn-ili 136, 138, 142
– temple 112–3
– "Weidner", 43, 111, 132–4, 137, 139, 140
– Yahudu 113, 134, 135
see also *Yahudu*
Ardashir I, 378
'arif 115
Aristotle 9
Armenian 393
Artaxerxes III, 377
Ashem Vohu 35
aššu 352, 355, 357–9, 364
Assur 110, 258, 262, 319, 356
Aššur 194, 278
Assurbanipal 277, 313, 319–21, 324, 327, 328
Assurnasirpal 374
Assyrian empire 110, 245, 321
Astrolabe 226
astrology 10, 18, 22, 219, 298, 314, 320, 322, 326–7
astronomy 25, 217, 219, 220, 225, 230, 231–2, 234–5, 237–45, 296, 322, 327, 341
– Babylonian 235
– calendrical 237
– Cuneiform Texts 231
– diaries 240
– horizon 242–4
– Goal-Year 231, 238, 242, 244
– mathematical 237, 246
– Mesopotamian 230, 231
– nonmathematical 231, 245
– nonzodiacal 237
– popular 242, 244, 246
– rabbinic 242
asylum 131, 278
atbash substitution cipher 173
atharvan 373
Atharvaveda 373
Athens 9, 11
atonement 18
Atra-Hasis 183, 188, 190
– epic of 228
Augustine 402

Avesta 6, 8, 14, 15, 16, 17, 18, 26, 30, 34, 35, 39, 42, 43, 44, 46, 63, 69, 73–4 76, 78, 81, 151–2, 290–1, 293, 373–6, 379–81, 388, 395, 397–8, 400, 401, 402, 403, 404, 405, 406, 407, 408, 416, 417, 418, 419, 420, 426
– Old 373, 375, 376, 378, 396
– Young 373, 374, 378
– date of writing 42, 76, 92
– goodness of 38
Avestan 29, 372, 373, 374, 375, 377, 379, 380, 381, 386, 395, 396, 397, 398, 399, 400–5, 414, 416–20, 423, 428
– Old 373, 375, 376, 382, 395, 396
– Young 13, 15, 16, 17, 45, 48 74, 374, 375, 376, 382, 395, 396, 397, 402
Axial Age 8, 12, 13, 14, 15, 21, 33, 34, 36, 37, 39, 48, 55, 79
az man 49, 68–9, 73
Azerbaijan 399
azimuth 240–3

Babel-Bibel controversy 188
Babylon, city of 1, 4, 5, 7, 96, 109, 113, 114, 116–21, 124, 132, 136–9, 141, 163–5, 168–9, 173–5, 182, 187, 189, 190, 208, 271, 272, 273, 274, 275, 276, 277, 278, 279, 317, 319–23, 330–1, 394
– in late antiquity 279
– Judean community in 165
Babylonia 7, 395, 404, 409
Babyloniaca 282, 326, 334
see also *Berossus*
Babylonian Job 18
Babylonian society: Judean participation in 133, 135
Babylonian Talmud see *Bavli*
Bagdana Aziza 260
Balasi 226
balsam 116
Bar Kokhba 63
Baraita 430
barley 110, 116, 119, 120, 241
baršnūm, 419
barûtu omen series 31
Bavli 2, 5–6, 24, 25, 34, 37, 46, 48, 51, 56, 61, 68–9, 75, 79–80, 82–5, 87–94, 118, 147, 151, 205, 218, 242, 263, 285–6, 288, 290–3, 295, 307, 313, 315, 354, 393, 395, 404, 408–10, 413, 414, 415, 426, 427, 428, 431
– and Yerushalmi 80
– Iranian loanwords in 147
– scientific material in 218
– on Kodashim 94
Bavli, aggadah in 86
– Avodah Zarah 94
– completion of 94
– conceptualism in 82
– dialectics in 86–7
– on canals 47
– redactional layers of 80, 94
– use of concept and principles in 80
beasts, mythological 291
Behemoth 291
bei abedan 218
Beijing 371
Be-Ila'i 295
Beit Hillel 56–8, 63
Beit Shammai 57–8, 62
Bel 116, 119–21, 124–5, 127, 136–8, 141, 144, 168, 260, 272, 273, 275, 276
Bel-eṭir 201
Bel-remanni 321
Beltia 272
Berossus 22, 326, 328
bilingual 5, 13, 262, 307, 308, 315, 353
bird(s) 50, 65–7, 174, 291, 325, 337–8, 381, 408
Bit-Nabû-le'i 136
bittul be-rov 72
Black Obelisk 374
blood 406, 407
bodies 381, 382, 383
body 382, 383, 385, 386
bones 383
Book of Divorce 90
Book of the Covenant 11, 21
Book Regarding the Duties of Magupats 91
Book Regarding the Duties of Officials 90
books and tablets, heavenly 194
books of Kings 142
Borsippa 5, 113, 114, 121, 122, 124, 125, 136, 137, 139, 141, 205, 271, 272, 273,

274, 275, 276, 277, 278, 279, 319, 321, 322, 326
Bowersock 13
Brahmaṇas 373
bread 378
breastplate 192–3
breasts 258
brick 169, 196–7, 311, 312, 339–40, 344, 348
bronze 24, 121, 196
Buddhist 36, 372
Bundahišn 288, 291, 398
Bundahišn: date of 41
bureaucracy 9, 42, 90, 147, 151
Burundi 131

calendar: agricultural 222
– history of Jewish 219, 223
– Julian 223, 232
– Jewish response to imperial 224
– lunar 232
– lunar in Syria 236
– lunisolar 10, 223, 230, 232, 235, 244, 246
– calendar, Mesopotamian 217, 230
– national identity and 223
– political significance of 232
– power relations and 220
– Roman 220
– science 217
– 364 day 219, 236
see also 364
– Qumranic 230
– Seleucid 223
– West-Semitic 222
Calendrical manual (TU 11) 238
calendrical texts from Qumran 231
Cambyses 120, 122
Camruš 291
Canaanite 18, 44, 121, 180, 181, 182
capital punishment 147
capital, homonymous with region or land 113
čāštag 381, 400, 420
casuistic 11–12, 17, 20, 26, 31, 46, 51, 56, 82–3
– in Digest of Justinian 83
– in early rabbinic literature 82
– non-casuistic approaches in rabbinic literature 82
– Sasanian 47
categories, abstract 22, 26, 29, 74
Catholic 69
Chaldeans 165, 173, 217, 274, 314
cherub 176, 180, 182, 183, 193, 194, 197
chewing dead matter 65
China 36, 371, 372
Christ 194
Christian 397
Christians 395, 397
– legal disputes between 158
– Persian 371
– persecution of 45
Chronicles (Biblical Book of) 34, 139
chronicles, Babylonian 139, 142
Church of the East 371
čihrag 406
Cimmerians 187
citations 396
ciyon 30
class-based legislation 32
classification 83
clay tablets 9, 112, 262
Clement of Alexandria 408
codes, cuneiform 24
cognitive style 8, 12–17, 24, 57, 61
cognizance and intentionality in rabbinic and Zoroastrian literature 81
colophons 399
Commagena 298
commandment: positive and negative 63
commentaries 5, 13, 21, 22, 25, 30, 46, 48, 51, 72, 79, 80, 151, 198, 308, 311–29, 331–56, 362–4, 381, 387, 405, 425, 426
– Akkadian 349, 365
– astrological 320
– Babylonian 24, 321, 327
– cuneiform 318, 319, 326, 331
– commentaries, Nippur 323, 324, 325
commentary tradition, Mesopotamian 318
commentary, medical 323
commercial travel routes, Babylonian 164
conceptualization 12, 36, 50, 55–62, 72, 80, 82–89, 94

confession 18
contamination 403, 424, 419
contracts 10, 13, 29–30, 38, 78, 135, 137, 140, 150, 262
– between Babylonians and Judeans 135
– intermarriage 46
Copenhagen 381
corpse 407, 408, 416–24, 428, 430
corpses 423
cosmogony 381
– Mesopotamian 167, 168
cosmology: biblical 40
cosmopolitanism 13, 41, 45
court 403
– transcripts: Iranian terminology for 156
– Jewish 150
Covenant Code 7, 13, 24, 55, 79, 163
Cow of Sîn 262
credit markets 87
see also *debt*
Ctesiphon 9
cultural exchange 142
see also *acculturation*
– *influence*
cuneiform 1–5, 8–13, 17, 28, 30–9, 42, 78, 109–112, 133, 137, 139, 171–3, 188, 199–200, 205, 208, 217–18, 225–229, 233–7, 240–3, 256, 260, 262, 265, 272, 307, 308, 309, 310, 312, 313, 314, 315, 317, 318, 319, 322, 323, 326, 327, 328, 329, 330, 331, 340
– divinatory function of 45
– end of 47, 262
– Judaean borrowing from 133
– knowledge, transmission of 112, 205, 218, 314
– script 133, 307
– tendency to elaborate by analogy 26
Curse of Agade 43
Cyrus 9, 110, 119, 140, 317

Dādestān ī Dēnīg 398
Dād-Farrox 65, 71
Dād-Ohrmazd 72
dādwar 154, 156
Damascus 57, 113, 360
Damascus Document 57–9, 336, 360–3
– see also *Qumran* and source index s. v.
Damaskios 9
Dandan Öiliq 371
Darius I, 120, 317, 327, 377–8
dastgird 157
dastwars 7, 13, 22, 48, 50, 51, 54, 64, 71, 79, 91, 157, 382, 399, 414, 415, 417, 426, 427, 431, 432
dāta- vīdaēuua and *dāta- zaraϑuštri* 151, 152
davar aher 329, 336
Dead Sea Scrolls see *Qumran*
death 381, 384, 386
debt 10, 114, 148, 149, 166
– debt-slavery 10
decision making 72
defiled 416, 423, 424, 425–6, 429, 430
Deliwat 260, 272
demon 37, 60, 61, 151–2, 256, 259–64, 271, 273, 279–80, 292–44, 300, 301, 343, 354, 355, 357, 380
– eating and drinking 264, 271
– Mesopotamian 260
– of Solomon 293
dēn 378, 379, 381, 397, 403
Dēnkard 42, 43, 44, 77, 92, 151, 155, 375, 379, 380, 399, 403
dēn-ōšmurišn 403
de-oraita and *de-rabbanan* 73
derash 404
determinism and free will 196
Deuteronomy 26, 32, 34, 35, 36, 361
– emendations of covenant code in 19
dēwēsnān 388
Dilbat 121, 204, 260, 274
Dilmun 171, 183, 184, 185, 186, 187, 188, 190, 207
dina de-malkhuta dina 88, 148
dispute in the presence of witnesses 155
ditches dug around a tree 73
divination 11, 17–18, 20–21, 25, 29, 31, 44, 45, 181, 188, 233, 237, 319–20, 351, 356, 365
divine name 111, 273, 363
diviners 17, 19, 22, 35, 44, 57, 314
doctor 222, 312
– see also *medicine*
dog 29, 30, 52–3, 60, 61, 65–6, 73, 262, 263, 277, 318, 386–7

– rabid 263
Dumuzi 257
Dunhuang 372

Ea 25, 121, 124, 136, 171, 257
Ea-uballiṭ 205
Ebabbar: oblates in 141
economics 1, 3, 8–10, 88, 110, 114, 117, 134, 156, 180, 186, 317, 403
Eden 7, 179–80, 183, 189–201, 206–8
see also *Ezekiel*
– *Genesis*
Egibi 119, 136, 322
Egypt 117, 181, 185, 187, 241, 243, 285, 319
– Aramaic and Demotic texts from 328
– Egyptians 110, 118
– Roman 219, 232, 243
Ehursagtila 136
Ekur-zakir 325
El 180
Elam 113, 123, 374, 377
Elamite 374, 377
Eliyahu Rabbah 425, 426
elmešu-lamp 168, 169, 170
see also *Ḥashmal*
Enki mythology 188
Enkidu 33, 176
see also *Gilgamesh*
Enlil 277, 296, 323
Enmeduranki 219
Enoch 180, 217, 219, 227, 231, 241
– 1 Enoch 231, 227
– Astronomical Book of 241
entrails 319
Enuma Anu Enlil 205, 217, 231, 320, 322, 341
Enuma eliš 9, 22, 24, 44, 54, 168, 169, 174, 205, 318
Eridu 42, 188
erotic spells 264
Erra 181, 203
eruv 429
Esagil Tablet 174
Esagil-kin-apli 319
Esagilla, temple of 47
Esarhaddon 170, 173, 277
eschatology 403, 405
Ešnunna 19
Etana 183, 189, 296
Ethiopia 185, 187
ethnicity 7, 112, 117, 122, 132–3, 317, 327, 393
Eudemos 9
Euphrates 110, 187, 274
evil 381, 402
exegesis 336, 375, 377, 383, 388, 394, 395, 402, 403, 404, 405, 407, 408, 409, 418, 427
– avestan 395, 396
– biblical 395, 405
– Hebrew 365
– Jewish 329
– Mesopotamian and rabbinic 332
– omnisignificant 63, 73, 74, 405, 407, 408, 409, 418
– terms 336, 343, 351, 359–60
exile 1, 4, 115, 131–3, 137, 143, 174, 191, 228–9, 285, 330
exilic period 27, 117
Exodus 35, 55, 169, 175, 191, 192, 193, 195, 197, 198, 206
exorcist 311–12, 323–9
extispicy 181, 319, 320, 324, 329, 343, 352, 355, 365
Ezekiel 3, 4, 17, 109, 114–15, 163–208, 221, 330
– affinities to Epic of Gilgamesh 182 ff.
– Akkadian loanwords and calques in 165
– and Babylonian scholarship 165, 207–8
– Eden in 189, 194, 195, 197, 204–5, 208
– magical acts in 171
– Mesopotamian learning in 170, 275
– priesthood and temple in 192, 221
– vision of 170
– word counterparts in MT, 199
– see also source index
Ezra-Nehemiah: name lists in 112

Farroxmard ī Wahrāmān 90–3
fate 382
fertility 402
Finland 266

fire 29, 50, 54, 65, 68, 84, 85, 154, 169, 197, 259, 261, 265, 312, 354, 377
– damage by 84
– foundations 154
fishermen: Judaean 115
flies 66
flood 7, 9, 22, 163, 165, 167, 173–4, 177, 178, 188, 190, 205, 381
forest, magical 180

Gathas 14, 15, 44, 66, 74, 373, 375, 377, 381–3
Gaza 122
Gazrayu 122
Gehenna 37
gematria 22, 171, 309
Genesis 40, 173, 174, 179, 188, 189, 190, 191, 195, 198, 347
– Eden in 191, 208
Geonim 92, 96
Gezer 122, 125, 222
– Calendar 122
gezerot (rabbinic decrees) 87
Gilgamesh 4, 18, 33, 163, 171, 174–208
Glossenkeil 351, 352
God 21, 32, 36, 37, 39, 53, 55, 68, 74, 169, 180, 192, 194, 255, 263, 279, 285, 292, 295, 298, 347, 362, 381
– as creator 39
– man made in image of 40
– physical dimensions and actions of 40
– arbitrariness of 17
– Zoroastrian 9
Gōgušnasp 69–70, 72
good 383
– deeds 383
– thought 81
grammar 344, 374
– Hebrew 347
– Sumerian 323
Greek 9, 14, 22, 24, 75, 85, 186, 218, 219, 227, 243, 261, 301, 328, 377, 378, 394, 397
– transcription of Akkadian magic into 261
Gušnazdukht daughter of Aḥat 270
Gutians 43

Habakkuk Pesher 336, 360–1
– see also source index
Habur river 110
Haburu 110
Hadayoš 291
ha-kol keminhag ha-medinah 88
halakhic midrash 363
hamdādestān 67
Hammurabi/Hammurapi 17, 19, 20, 21, 29, 33, 37, 318
– see also source index
haoma 291, 373, 377
happiness 39, 196, 401, 402, 415, 416
Ḥašmal 167, 169
– see also *elmešu lamps*
Hatarikka 113
Hattuša 258
Hayya Gaon 423
Heaven, gates of 241
– thickness of 296
Hebrew 1, 3–10, 13, 27, 45, 48, 82, 94, 99, 101–14, 121, 125, 140, 165–7, 173, 183, 187, 193, 197, 226, 228–9, 244, 256, 270, 299, 301, 329, 330, 335, 336, 341, 347, 348, 350, 351, 359–65, 372, 408
– Biblical and Rabbinic 400
– names in Neo-Babylonian texts 133
Hebrew Bible 7, 10, 27, 109, 114, 163, 187, 221, 222, 395
– Babylonian traditions in 329
– calendar in 220
– see also source index
hell 37, 378, 382–3
Hellenism 8, 14, 22–3, 30, 34, 39, 47, 51, 79, 186, 204, 218–19, 223, 224, 228, 238, 242, 245, 261, 324, 327, 328, 330, 331, 415
– Hellenization 59, 74
Helmand 374
Hērbedestān 18, 30, 35, 43–44, 46, 71, 93, 97–98, 100, 149, 151, 153, 373, 380, 397
– see also source index
heretics 402, 403, 404
hermeneutic 403, 407, 409, 415, 418, 426, 427

hermeneutical 394, 395, 401, 404, 405, 407, 408
hermeneutics 1, 6, 21, 22, 173, 315, 326, 329, 330, 331, 336, 394, 395, 400, 403–10, 415, 418, 426–7
– Babylonian 173, 309, 330
– Babylonian and Judean 318
– Manichean 402
– Mesopotamian 321
heset 423, 424
Hgrwny', 291
high priest 147, 191–3, 198
Hillel 21, 62, 63, 104, 330, 407
– Hillelites 63
Hindanu 110
Hindu 36
hixr 50, 52, 66, 67, 72, 288, 385
Hohlenstein-Stadel figurine 33
Holiness 32
Holiness Code 228
homicide 28, 30
homophony 180
Ḥorvat Rimmon 264
hotar 373
hubris 179, 201
Humadešu 116, 140
humility 33
Hurmiz son of Lilwatha 292–3
Hutu 131, 132
Hwrmyz versus Hwrmyn 298
hydrology 285, 287–8, 291
hygiene 354
hymns 372, 373

Ifra-Hwrmyz 301
immortality 176, 177, 190
impotence, masculine 259
impurity 22, 48–52, 58, 60, 65, 66, 70, 71, 72, 73, 74, 75, 380, 381, 384–8, 396, 406, 413–6, 418–9, 420–8, 430, 431, 432
– degrees of 66
– doubtful 49
– menstrual 49, 405–8
– of carrying a corpse 81
– susceptibility of certain substances to 65
– occupying space 74
– transmission of 50, 324, 422, 427, 431–2
incantations 4, 31, 255, 256, 257, 258, 259, 260, 262, 307, 322, 323, 326
– Akkadian 256, 262
India 373, 375, 376
Indian 372, 394
Indic 372, 373
– Middle 373
– Old 373
Indo-Aryans 372
Indo-European 417
Indo-Iranian 372
influence 1, 5, 6, 8, 10, 14, 15, 17, 18, 23, 24, 37, 51, 64, 74, 78, 81, 85, 88, 90, 92, 133, 175, 191, 217, 221, 227, 229, 230, 234, 244, 245, 256, 259–60, 301, 315, 318
inscriptions, royal 9, 342, 343, 377
intellectual history 9, 25, 34, 39, 48, 81, 88, 394, 415
intention, in rabbinic and Zoroastrian law 80
intercalation 224–7, 231–3, 236
– 19 year cycle 225
– see also *calendar: lunisolar*
intercultural exchange 142, 175
intertextuality 405
– in Mesopotamian literature 189
Iqišaya 324, 325, 326, 327
Iran 2, 6, 7, 9, 11, 13, 15, 17, 19, 21, 33, 41, 43, 44, 45, 51, 53, 55, 57, 59, 63, 69, 75, 87, 91, 99, 140, 151, 186, 372–9, 393, 395, 402, 404
Iranian 1, 2, 3, 5, 6, 7, 8, 10, 12, 13, 14, 17, 42, 43, 45, 46, 79, 92, 141, 147, 148, 150, 151, 155, 156, 157, 158, 285–301, 371–7, 388, 393, 395, 402, 409
– Middle 373
– Old 372
– capital procedure 156
– civilization, stance on writing 44
– culture 41
– empire: Jews in 147
– legal terms in the Talmud 157
– see also *Bavli: Iranian loanwords in*
– lore 286

– Plateau 372, 374
– Irano-Hellenistic monarchies 298
Iraq 98, 114–5, 125–7, 135, 314
isho mishum hitzav 84
Isin 113, 132, 137, 138, 257, 259, 319
Islam 379
Islamic conquest 151, 218
Israelite deity 16, 169
– see also *God*
Israelites and Judeans: migrations from Assyria to Babylonia 111
– in Babylonia 110
Istakhr 378
Ištar 9, 19, 124, 170, 257–9, 265, 272, 273, 297–8, 331
– hypostases of 273
– in the skies 259
– of Babylon 272

Jehoiachin 109–12, 132, 137
Jeremiah 109, 115, 173
– Old Greek 173
– see also source index
Jerusalem 1, 49, 60, 68, 96, 97, 98, 99, 100, 101, 103, 109, 113, 166, 170, 173, 174, 181, 192, 226, 233, 236, 279, 331, 360
– Babylonian name of 113
– gates of 193
Jewish: Orthodox 11, 398
– jurisdiction: three main areas of 156
– tradition concerning biblical geographical names 113
Jewish studies 1, 2, 191, 208, 245
Jewish-Hellenistic literature 219
Jews 371, 372, 395, 397, 408, 413
– autonomy of in Sasanian empire 156
– see also *Israelites*, *Judeans*
Jezira 110
Josephus 109, 118
Judaism 1, 2, 8, 14–18, 32, 36, 58, 191, 222–3, 227, 409, 415
Judaism: rabbinic
– see *rabbi, rabbinic*
Judea 49, 109, 110, 113, 115, 116, 117, 135, 137, 222, 226, 230, 232, 236, 244–5, 295, 314, 348
– Roman 233, 235
Judean and Jewish 191
– deportees: settlement of 111
– in Babylonia, diversity of 138
– in Babylonia: Personal status of 114
judge 20, 30, 89, 154, 155, 156, 181, 241, 382
– four types of 154
judgment 34, 382
judicial dispute 155
jud-ristagān 402
jurisconsults 71, 75, 91, 153
jurisprudence 3, 24, 25, 53, 91, 147, 149, 151, 153, 154, 157
– classical 90
– main fields of 151
– Sasanian 147
jurisprudential principles 69
jurists 27, 53, 54, 82, 86, 87, 90, 153
– death of 90
Justinian (Digest, Codex, and Plague) 79, 80, 83, 86, 90–3

Kadesh Barnea/Tell el-Qudeirat 167
Kalhu 319
Karšift/Karšiptar 291
Kartir/Kardīr/Kerdir 147, 378, 379, 402–3
kashrut 408
katuv 360, 362
Kay Ādur Bōzēd 60, 69, 70, 71
kayyān(u) 311, 312, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 348, 349, 350, 351, 364, 365
Kebar 164, 330
– see also *Nar Kabari*
Keresh 295
Khotan 371, 372
Khotanese 372
Khusrau 42, 399
Khusrau I, 42, 398–400, 403
kī(ma) iqbû 329, 355, 356, 357, 359, 363, 364, 365
kidinnu 4, 270, 276, 277, 278, 279, 280
king 19, 20, 21, 34, 36–7, 115, 132, 137, 154, 155, 174, 176, 179, 181, 182, 183, 190, 196, 204, 207, 225–6, 233, 237, 245, 274, 277, 296–8, 319, 320, 327, 332, 341, 342, 377–8, 398–9, 400, 403

Kish 113, 121, 257
ki-shemu'o 345
knowledge, hierarchy of 22
Kushan 297
Kwwra 291

Labbu myth 182
Lamaštu 260, 264, 278, 322
lamdan and *posek* 11
Landsmannschaft 110
lapis-lazuli 168, 258
Larsa 121, 125, 262
lashes 73, 76
Late Antiquity 1–2, 4, 6, 7, 10–11, 14, 41–2, 61, 79, 88, 93–5, 97, 104, 177, 216–18, 236, 244–6, 255–6, 259–62, 272, 285, 293, 393–4, 397, 400, 403–4, 408
Latin 45, 397
laughter 286
law 3, 7, 10, 11, 13, 17, 19, 21, 24, 26, 27, 29, 30, 32, 39, 50, 51, 53, 55, 56, 61, 64, 68, 78, 80, 81, 83, 85, 86, 87, 88, 89, 90, 91, 93, 94, 117, 147, 150, 151, 152, 153, 155, 156, 157, 158, 263, 315, 380, 393, 406, 416, 420, 431
– and omens 20
– as an independent discipline 153
– as formula and classification 64
– based on religion 86
– biblical 11, 12, 39
– civil 46, 147
– criminal 151
– cuneiform 11, 12, 25, 27, 32, 39, 40, 79
– family 151
– inheritance 135–6, 148–9
– Iranian 148, 157
– Mesopotamian 163
– procedural 151
– property 157
– rabbinic 10, 64, 80, 158
– ritual and civil 88, 151
– Roman 64, 75, 82–3, 86–7, 91
– Sasanian 10, 82, 148, 157
– sources of 32
– stylistic traits of 32
– unwritten 34
– Zoroastrian 151, 158
– see also source index and entries for individual institutions
lawbook 380
Lawbook, Sasanian see *MHD*
– see also source index
Laws of Hammurabi
– see *Hammurabi* and see source index
legal action: four methods of, in Sasanian jurisprudence 155
legal definitions 26
legal isolationism 83, 85
legal midrash see *midrash*
Leviathan 291
Leviticus 406, 407, 408
lex Aebutia 64
lex Poetelia 11
lexical lists 318, 322, 327
lexical series Aa 323
lexicon 299
liability for damage 84
libidinal arousal 259
libraries 141, 175, 314, 319, 321, 324, 327
library, temple 326
licorice 258
Lilit 260, 264
lion 5, 33, 295, 296, 297, 298, 343
– astral 298
Lipit-Ishtar 20
lips 286
Listenwissenschaft 19, 21, 23–5, 30–1, 39, 41, 51, 54, 75, 76, 78
literacy 36, 45, 116, 173, 175, 308
literal meaning 5–6, 72, 166, 309, 323, 335–42, 345, 347, 349, 350, 351, 355, 357, 358, 359, 364
– see also *kishmu'o, kayyān(u), mamash, waddai*
litigation 134, 155
liturgical texts 397
liturgy 71, 221, 375
loan translations 197, 365
logograms 22, 308, 309, 340
London 381
Love 257, 259, 323
Love charm and incantation 257–9, 264 see also *erotic spells*
Ludlul bēl nēmeqi 318

lunar cycle 172
Lunar Six 232, 242, 244

1 Maccabees: date formulas in 223
Madas 374
Mādayān ī Hazār Dādestān see MHD
magi/magoi 329, 397
magic 4, 9, 18, 171, 177, 180, 188, 255–66, 272–80, 298, 319, 323, 375
– Akkadian 256, 270–1
– Egyptian 273
– German 255
– Jewish 256, 260, 279
– magical papyri, Greek 261–4 see also source index *PGM*
– Mandaic 261
– texts 256
magic bowl 256, 259, 279, 262, 270, 272
– Aramaic 256, 260, 263
– and biblical verses 279
– iconography of 256
– Mandaic 262
magic scroll, Mandaic 273
Māh-Ohrmazd 72
Mahoza 293
Maimonides 18, 237, 239, 240, 423, 426
mamash 345, 346, 347, 348, 349, 350, 351, 364, 365
Mandaic 261, 272, 273, 276, 280
Manichaeans 45, 402
manslaughter 28, 156
– and murder 83
manthra 44
Mantic flexibility 321
Maqlû 261, 278
Marad 113, 132, 137
Mardbūd ī Dād-Ohrmazd 72
Marduk 22, 24, 44, 54, 123, 124, 137, 168, 173, 174, 184, 275, 277, 279, 322, 342, 355, 356, 363
– bed of 174
– Address to the Demons 318
Maresha 223
margarzān 388, 407, 418, 421, 428
Mari 190, 233
marriage 10, 90, 117, 118, 119, 120, 134, 135, 149
– agreements, Neo-Babylonian 259
– annulment of 111
– contract 140
– mixed Judean-Babylonian 135
– Sumero-Akkadian 10
maš'altu 330
masa', 423, 424, 425
mason 20
Masoretic 408
materia magica 324
mathematics 31
Mazdaism 379
Mazdak 403
Mazdakite 403
Mazdean 155
– and non-Mazdeans in Iranian Law 148
Medes 187, 374
medicine 9, 10, 19, 166, 244, 309, 310–11, 313, 319, 321, 323, 326, 332, 339, 340, 344, 351, 354, 358
– cuneiform 218
– omen, commentary on 311
– medical-magical works 322
Mēdōmāh 50, 66, 67, 70, 71, 72, 400
– Mēdōmāhites 60, 61, 66, 68, 69, 71, 72
Melammu 297
memorizing 375, 397, 398, 400
memory 375–6, 395–8, 400
menstruation 405, 406, 407
Merseburg Incantations 255
Mešaršia son of Qaqay 264
Mesopotamian birth-omen 19
Mesopotamian gods and kings, aura of 197
Mesopotamian learned tradition and Judeans 205
Mesopotamian literature, intertextuality in 204
Mesopotamian mentality 33
Mesopotamian rejection of written analogies 33
Mesopotamian scribal learning 261
Mesopotamian scribal milieu 201
Mesopotamian year, structure of see also *Calendar* 220
Mesopotamian nomads, antipathy to 42
metalworkers, exile of 109
MHD, 46, 47, 70–1, 80, 84, 90, 91, 148, 151

– purview of 151, 380
– and Babylonian Talmud 151
– compilation of 92
– MHDA, 91
Middle Persian
see also *Pahlavi* and *Persian*
middot 309, 330
see also *midrash*
midrash 5, 6, 22, 24, 53, 54, 57, 73, 88, 94, 285, 330, 335, 336, 359, 365, 394, 395, 396, 400, 402, 406, 407, 408, 409, 418, 424
Mirabilia letter 178
Mishnah 4, 25, 40, 48, 49, 54, 56, 59, 65, 69, 75, 76, 80, 84, 89, 217, 221, 223, 235, 236, 237, 239, 243, 359, 425, 426, 429, 431
see also source index
– Babylonian content in 221
– exegesis and explication of 88, 93
Mithra 9, 298
monkey 43
monotheism 16, 40, 224, 227
month names 223–4
– numbered 224
– month names, Julian 232
moon 172, 219, 228, 230, 231, 232, 233, 234, 236, 237, 238, 239, 240, 241, 242, 243, 245, 261, 341, 342, 345
Moses 169, 193, 197, 346, 347
moths 23–4
Mount Bisotun 377
Mount Nimrod 298
mowbed 154, 156, 158
Mt. Mašu 176
Muhammad 194
muktzeh 59
MUL.APIN, 225, 226, 230, 231, 244
Mulissu 264
Mulit 260, 264
Murašû firm 114, 121, 126, 132, 134, 137
murder 28, 83, 156
see also *manslaughter*
Muslim 15, 45, 224, 279, 379
mystical speculation, Mesopotamian 174
mythico-history 131
mythology 9, 13, 15, 25, 168, 182–3, 198, 220, 286, 288, 290, 292–8, 301, 325, 357

Nabonidus 109, 110, 140, 342
Nabû 9, 116, 119, 120, 124, 136, 140, 272, 275, 276
Nabû-zuqup-kenu 319
Nabû-kuṣuršu 322–3
names, gentilic 111, 122
– Judaean 111
– Yahwistic 112
Nana 297, 298
Nanai 260
Nanaya 272, 298
Nar Kabari 114, 164
Naram-Sîn 201
nasā / nasāy 50, 52, 65–7, 72, 385–7, 421
– nullifying of 72
– *nasāy jōyišnīh* 65, 72
nask 42, 151, 152, 379–80, 403
nask-ōšmurdārān 403
Nasuš 152
Nebuchadnezzar II, 109–10, 122, 137, 163, 164, 181, 187, 317
negligence 47, 54, 55, 63, 81
– and intention 83
– in torts 81
Neo-Assyrian empire 224
Neo-Babylonian 3, 4, 8, 19, 31, 110, 116, 133, 134, 136, 137, 138, 139, 204, 223–24, 229, 233, 244, 259, 273, 319, 352
– dialect, subordinate constructions in 363
– empire 8, 110
Nerab 123
Nērangestān 45, 71, 93, 100, 151, 153, 373, 375
Nerebu 113
Nestorian Church 371
network analysis 138, 143
new moon 232
New Testament 395
Nineveh 262, 319, 320, 327
Ninurta 121, 136, 279, 313, 325–6, 357

Nippur 110, 113, 116–7, 120–5, 132, 134, 136, 138, 164, 277, 322–6, 330
Nisaba 33
Noah 98, 99, 174, 180
– see also *flood*
nomadic ideal 41, 42, 43
nominalist/realist 75
nonmathematical processing 237
non-Zoroastrian corpses, pollution of 69
non-Zoroastrians: fundamental equality of in Sasanian law 149
notariqon 10, 22, 329, 339, 346, 347, 354, 356
noten ta'am 72
numerology 171, 173, 207

objects, lost 78
Og (king of Bashan) 174
Ohrmazd 15, 16, 17, 39, 41, 48, 50, 65, 68, 70, 75, 149, 289–92, 299, 300, 379, 387, 399, 401, 403
– answer to ritual question 50
– see also *Ahura Mazda*
omen 9–11, 19–25, 28, 30, 31, 33, 57, 272, 311, 314, 318–23, 331–2, 337–44, 351–7, 365
– omen texts, Mesopotamian 318
omnisignificance 7, 381, 404–5, 408
Opis 113, 116
orality 5, 13, 23–4, 27, 31, 36, 39, 41–6, 68, 69, 90–2, 198, 265, 313, 374, 375, 378, 379, 380, 388, 395, 397, 400
Orkney Island 255
ornaments 76
ostracon 167
ox, goring 40

Pahalvi Videvdad 406, 417–23, 426
– see also source index
Pahlavi 6, 8, 12, 17, 30, 42, 45, 46, 51, 65, 71, 75, 81, 90–91, 93, 151, 152, 153, 293, 375–84, 388, 395–402, 405–8, 413–18, 420–2, 427–8, 430–2
– see also *Pahlavi* and *Persian*
– authorities, interrelations between 70
– books, redaction of 89
– Psalter 371
Pahlavi Rivāyat accompanying the Dādestān ī Dēnīg 288, 422
– see also *Rivāyat*
palace economy, Babylonian 137
paleontologists 33
Palestine 13, 60, 234, 388, 395, 404, 406, 427
– Byzantine 218
– Roman 64
palm tree 123
paradise 378, 382–3
– see also *Eden*
parallelism 23, 365
parchment 112, 262, 318, 328, 331
paronomasia 22, 329
Pars 374
– Parsa 374
– Parsuwas 374
Parthian 1, 34, 47, 98, 114, 118, 147, 155, 205, 272, 279, 280, 327, 378, 397
particle 383, 384
Passover 43, 53, 222, 225
path: in network analysis 139
patronymics, non-Semitic 116
Paullus Fabius Maximus 223
peace 401
Pentateuch 18, 19, 27–8, 34–5, 55, 57, 62, 78, 220, 228, 230, 407, 414, 423, 426
– pentateuchal law codes 27
– see also source index
pentecontad 227, 228
performance 374–6
Peroz 147
Persepolis 114, 127, 377–8
Persian 8, 377–8, 380, 397
– Old 373–4, 377–8
– Middle Persian, 6, 8, 30, 35, 42, 48, 49, 51, 65, 80, 291, 371, 393, 395, 396, 398, 399, 400, 401, 408, 409, 416
– New 42
– Persians 116, 374, 378
person, modern idea of 39
personal injury 38, 39
Pēšagsīr 60, 61, 70–2
– Pēšagsīrites 60
pesharim, pesher 336, 360–65
– see also *Qumran* and source index

peshat 345
phenomenology 409
Philistia 122
philology 22, 66, 172–3, 194, 199, 323, 325, 329, 410
Philosophy, Greek 26
Phoenician 110, 112, 122, 185, 186, 187, 229, 235
phonetics 376, 379
pilgrim festivals 221
plant, magical 177
poetic 372
– avestan 406
polemic 7, 53, 59
pollution see *impurity*
polytheism 16, 18
pōryōtkēš 72, 381
prayer 403
– see *liturgy*
precedent 63
preexilic period 27, 116
pregnancy 59, 290, 291, 296, 312, 324, 339
priestly 379, 380, 381
priestly training 43, 44, 71
priests 3, 6, 12, 17, 42, 45, 53, 73, 88, 140, 149, 153, 154, 226, 323, 329, 331, 360, 373, 376–8, 380, 383, 387–8, 394, 397, 399, 402–3
– archives of 138
– Israelite 18
– Jewish 228
– training of 43–4, 71
primordial figure 191, 194, 196, 197, 198, 208
primordial man 192, 195, 208
principles: absence from tannaitic literature 82
procedure for announcing new moon, Babylonian and rabbinic 233
property rights 149
property, lost 77
proverb 397
Ptolemy 219, 223, 243
– Almagest of 219
pudendum 61
punishment 26, 73, 74, 76, 87, 154, 158, 388
– capital 383
purification 380, 381
purity 3, 6, 22, 49, 51, 58, 60, 131, 152, 153, 373, 402, 404, 422, 425, 428
pursišn-nāmag 156
Pyšqn 291

qabû 310, 351, 352, 353, 355, 356, 357, 358, 359, 362, 363, 364
Qandahar 374
Qoheleth 179, 196
Qumran 6, 12, 34, 53, 55–60, 87, 98, 102, 217–218, 227, 231, 251–2, 329, 336, 339, 360, 363–4, 395
see also source index
– astrology in 218
– Babylonian traditions at 329

Raabad (Abraham b. David of Posquières) 425
Rabbah (bar Naḥ mani) 81, 88, 89, 93, 94, 292, 347, 429, 430
– and legal theory 88
– and Rava, distinguishing between 94
Rabbah bar bar Hana 286, 290, 291, 292
Rabbeinu Asher 426
Rabbeinu Ḥananel 423
Rabbeinu Tam 301
rabbi 50, 93, 158
Rabbi (individual names)
– Akiva 63, 64
– Ashi 89, 431
– Elazar 425, 426
– Eliezer 56, 62, 63, 429
– Ḥisda 88
– Ḥiya bar Ashi 431
– Huna 77, 88
– Ishmael 64
– Jeremiah 94
– Joseph 429, 430
– Joshua 56, 62, 63, 295
– Nahman 81, 89
– Neḥemiah 429
– Papa 89
– Simon 429
– Yoḥanan 84, 89, 94, 236, in the Bavli 94
– R. Zera 94

Rabbi Akiva, school of 346
Rabbi Eliezer, school of 345
Rabbi Ishmael, school of 345
Rabbi Eliyahu of Vilna 425–6
Rabbi Samson of Sens 426
rabbinic 2, 3, 4, 5, 6, 8, 10, 11, 12, 28, 34, 35, 43, 46, 48, 49, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 64, 67, 68, 69, 72, 73, 74, 75, 76, 77, 80, 82, 83, 84, 87, 88, 147, 223–7, 232–9, 243–6, 258, 285–8, 290–1, 298, 309, 314–15, 329, 336, 361, 388, 393–8, 400, 402, 404–10, 413–5, 418, 423–8, 431–2
– activity in Babylonia, four eras of 88
– ideology 235
– identity 232 influence on Zoroastrians 74
– Mesopotamian survivals in r. Judaism 75
– legal history 66
– Palestinian: Palestinian 415
– analysis, independent of the rabbis 74
rabbis 3, 5–7, 10–13, 21–4, 28, 48–59, 64, 69, 79, 89, 93, 147, 150, 156, 208, 223, 234–6, 242–6, 290, 330, 380, 388, 394, 399, 400, 404, 414–15, 423, 426, 428, 431–2
rad 71, 154, 155, 156–8
– *rad ī xwēš* 155, 158
– comparable to Jewish rabbi 158
rain 183, 185, 186, 285, 287, 293, 294, 356, 357
Rashi 57, 299, 300, 301, 426
– influence on Talmudic text 301
Rav 88, 225
Rava 80, 81, 83, 88, 89, 93, 94, 408, 409, 431
Rava, and legal midrash 88
rebellious woman 259
reciprocal numbers 171
recitation 379, 398, 400
recomposition 374–5
red pig 352
redactor 385, 386, 387, 388
religious reforms 331
rent farmers 134
replacement of noun with verb or pronoun (esp. divine names) *see Divine name*
Resh Laqish 84, 85, 94
retrography 173
revelation 13, 15, 17, 21, 25, 52
rewritten Bible 34
Rg Veda see *Rig Veda*
ribui 418
Ridya 286, 290, 293, 294
Rig Veda 17, 372, 373, 376
ritual 2–4, 6, 9, 12, 38, 45–52, 57, 60, 65–6, 72, 75, 91, 151, 153, 156–7, 220–2, 226, 258, 262, 264, 271, 278, 307, 355, 373, 375, 377, 379–82, 386, 393, 396, 402, 406, 413–4, 416, 426–8
– texts 12
ritual conceptualization 72
ritual impurity see *impurity*
ritual instruction 264
ritual, love 258
– rules of 66
– spring 220
ritual, subjective factors in 81
Rivāyat 48, 65, 72, 91, 380
Roman 11, 13, 34, 45, 60, 64, 83, 85, 86, 87, 88, 89, 90, 91, 93, 109, 218, 219, 220, 223, 226, 227, 228, 232, 234, 241, 244, 245, 296, 297, 298, 394, 395, 404
– Empire 93, 245
– law, jurisconsults in 86
– Rome, city of 87, 296, 378
Rōšn 65
Runciman 13, 14, 15
Rusapu 110

ša iqbû 325, 329, 337, 351, 352, 356, 357, 363, 365
ŠÀ.ZI.GA, 259, 265
Sabbath 4, 55, 59, 74, 76, 174, 227, 228–29, 245, 361, 429
Šabriri 260
sacred 375, 378, 388
sacrifice 377–8
sagdīd 60–61
Sa-gig 325, 327
šahr dādwarān dādwar 154
Salmanassar III, 374
Šamaš 113, 115, 119, 120, 121, 123, 124, 137, 176, 277
Šamaš-šumu-ukin 328

Šamiš 260, 261
Samuel 88, 148
Šangû-Ninurta 324
šanîš 312, 329, 336, 337
Sanskrit: Classical 373
Saoshyant 43
Sargon 204, 277, 308
– and Moses 204
sarkal, head of the work 114
šarru-names 115
Sasanian 1, 3, 6, 7, 9, 10–13, 22, 34, 41–7, 51–3, 64, 69, 74–5, 79, 85, 92, 114, 147–59, 205, 272, 279, 280, 288, 371, 376–8, 388, 394–99, 402, 404, 409, 414–15, 427
– Empire 93
– reliance on Jewish administration 157
Sassanian Lawbook see *MHD*
Satan 279, 292, 301
satisfaction 39
Šāyest nē Šāyest 48–9, 52, 65, 67, 69, 74, 380, 384, 386 418, 419, 420, 421, 422, 423, 426, 430
schools 11, 20, 49, 64, 66, 71–2, 74–5, 82, 89, 147, 158, 176, 205, 207, 229, 307, 315, 420, 424
– Zoroastrian 70
science 4, 9, 11, 18–26, 33, 37, 188, 218–20, 242, 245–6, 256 407
– Babylonian 31, 235
– Byzantine 246
– cuneiform 218
– Mesopotamian 232
– popular 237, 245
scribal culture 8, 9, 12, 22, 29, 34, 36, 394
scribes 3, 7–8, 10–11, 13, 19–25, 27–8, 31, 36, 43–4, 54, 63, 116, 120, 260, 323, 324, 326, 332, 394, 421
– Aramaic-speaking 123
– Babylonian 116
– Judaean 116, 365
– Mesopotamian 30
Second Temple 388
Second World War 393
Second-order thinking 34
Seleucia, Seleucid 295, 397
self, new concept of 40
self-referential 33–6, 78, 194, 328
selihah 372
Šema'ya the scribe 322, 323
semantic 384
semiotics 394, 404–5, 408–9
Semitic 12, 23, 42, 43, 45, 46, 51, 116, 122, 194, 222, 227, 229, 230, 257, 307, 338, 397
Sennacherib 194
Seraš 257
sevenfold time reckoning in the Western Levant 229
sexagesimal mathematics 10, 171, 172
sexuality 256, 258, 259, 407
Shabuhr/Shapur II, 43, 45, 402–3
Šapur I, 378
Shamash 9, 33
Shammai 407
– Shammaites 63
Shapur I, 402–3
shareholders 148, 149
she-lo' tin'ol delet lifnei lovin 88
shepherd dog 30
Shiraz 374
Shulhan Arukh 79
Shushan 113
Siduri 176, 177
sight, theories of 61
Silk Road 371, 372
siman 78
similia similibus 260
sin 67, 381–3, 397, 415–6, 418, 421–2, 427
Sîn 22, 100, 116, 126, 136, 138, 142, 172
Sinai 181, 193, 197
Sîn-leqi-unninni 201
Sippar 110–11, 113, 116, 119, 122, 126–7, 132, 137–42, 277, 313, 321
Sirius 290, 293, 294
slaves, slavery 11, 20, 47, 111, 114, 119–20, 135, 140
Smamit 260
snake 10, 18, 177, 183, 262–6
– biting gazelle 263
social networks 142
Sogdian 372
Solon 11
soma 373

sorcerer 18
Sōšāns 69, 70, 71
souls 66, 378, 381, 382, 383
– human 19
southern Babylonia: Judaean settlement in 113
Spenāg Mēnōy 387
stallion 43
stammaim 87–9, 94
star charts 226
stillbirth 60
strophe 375
structuralism 394
stur, sturih 148–49, 154
– see *law, inheritance*
Suhu 110
Šulak 343, 354
Šulgi 225, 226
Sultantepe 327
Sumerian 8, 11, 13, 19, 24, 42, 45, 188, 307, 308–12, 323–4, 338, 353, 356
– sign-play 315
– preservation of 45
– translations of 308
Sumero-Akkadian 5, 7, 9, 11–13, 16, 19, 22–3, 34, 41, 47, 61, 79, 308, 324, 353
– Wissenschaft 26
– see *cuneiform*
Šumma 19, 22, 325
Šumma izbu 19
summonses to court 31
sun 59, 231, 237, 239–43, 341, 361
Šurpu incantation series 22, 261
Susa 113, 114, 115, 129, 164, 378
šūt pî 313, 329
syncretism 9
synodic and achronychal phenomena 237
syntax 343, 347, 362, 363, 364, 384
Syriac 158, 224, 236, 272, 280, 296, 397
– see also *aramaic*

tabernacle 44, 169, 175, 191–8, 206
tablet box 197–8, 201, 204, 205, 206
tablet of destinies 25, 35, 43, 194
taboo 278
takkanat ha-shavim 88
takkanat olam 88
talion 76
Talmud 398, 399
– talmudic culture 34
– see *Bavli*
Tammuz 273
tanabuhl 66, 73, 418, 421
Tanittu-Bel 323
tannaim 397, 425–30
– Tannaitic texts, casuistic character of 81
Tannitti-Bel 322
Tanzania 131
Targum 48, 400
– Yerushalmi 423
taxes 134, 141–2, 156, 157, 276
tehom 287
temple(s) 4, 32, 42, 44, 49, 52, 59, 88, 94, 112, 114–18, 121, 136, 139, 140, 141, 174, 192–3, 198, 221, 226, 236, 271, 272, 276, 279, 322, 326, 378
– as earthly Eden 192
– Babylonian 125
– brewer 323–5
– city of Sippar 110
– Ebabbar 110, 119, 125, 140
– Esagil 139
– hymn 308
– of Marduk 174
– of Tir 295
– sins in 226
Terah 43
terminology 6, 9, 10, 26, 58, 59, 151, 156–57, 167, 181, 335, 336, 357, 362, 365, 415
– for marital property 10
terumah 425
testimony 4, 46, 89, 183, 233, 236, 238, 239, 241
Theogony of Dunnu 296
theology 7, 9, 29, 37, 39, 66, 331
– Mazdean 44, 81, 158
theophany 169, 197, 207
thief 28, 29, 38
threefold heifer 290
three-legged ass 286, 288, 290, 291, 293
Tiamat 190
Tiger, animal 295
Tigris 104, 114, 295
Til-Abubi 167

Til-Gabbari 164
tinnitus 309
Tištrya 9, 290, 293–4
tithes 44
Tnyn' 291
Tohorot 49, 75
Torah 13, 35, 87, 169, 239, 359, 381
Torah hasah 'al mamonam shel Yisrael 88
tosafists 300
Tosefta 56, 59, 80, 84, 239, 240, 243, 423, 424
transcendentalism 37
transgression 418
translation 217, 398, 400–1
tree 384
– of Many Seeds 291
– of precious stones 176
Tribonian 93
trickster 293
Turfan 371
Turkestan 371
Twelve Tables 75
Tyre 123, 166–7, 179–87, 190, 197, 205, 207
– prince of 179

Udug-hul 261–2, 318, 323
Ugarit 18, 195, 196, 201, 224, 235
Uigur Autonomous Region 371
Umman-manda 187
ummânu 54, 315
unbaked potsherd 264, 265
unhappiness 415
Unheilsherrscher 201, 203
Upanišads 373
urbanization 24, 402
Ur-Namma 20
Ur-šanabi 171
Uruk 9, 42, 113, 116, 132, 136, 196, 229, 308, 309, 322, 324, 326, 327, 328, 331
Urumqi 371
Urzila 291
Utnapištim 171, 174, 176–7, 183–4, 188, 190, 208

Vedas 372, 373
Vedic 373
Videvdad 16, 18, 19, 30, 38, 39, 46, 48, 51, 73, 74, 81, 150, 151, 152, 373, 375, 380, 381, 382, 383, 384, 385, 386, 387, 388, 396, 398, 401, 407, 414, 415, 417, 420
– Avestan 35, 47, 48, 79, 91
– discarding the old gods in 37
– lists in 39
– Pahlavi 48, 49, 50, 51, 52, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 77, 79, 91, 93
– similar to biblical law 39
Vispered 380
vulva 257

waddai 335, 345–9, 351, 364–5
Warahran I, 379
Warahran II, 379
Warka 311
Warning to Bel-eṭir 201
Waters of Death 177
weh mard 155
Weh-Dōst 30
Weh-Šabuhr 65, 72, 399
Weidner Chronicle 43
wināh ī hamēmālān 153
wināh ī ruwānīg 153
wine 378
witchcraft 259, 261, 270, 271, 276, 278, 279, 280
wolves 66, 361, 381
women: management of estates by 91
– priestly training for 46
work 383

Xerxes 327, 334, 377, 378
Xinjiang 371
xružd 383
Xusrōy ud Rēdag 398

Yahudu 95, 112–13, 119, 125, 132, 135–7, 141, 164, 165
Yahwistic 3, 109, 112, 117, 118, 123, 208
Yasna 16, 100, 151, 373, 375, 377, 379, 380, 382, 399, 400
Yazdegird II, 147
Yerushalmi 56, 59, 84–6, 89, 93–4, 241
– aggadah in 93

Yhw: cuneiform writing of 111
– worship of in Pre-Hellenistic Mesopotamia 112

Zachalias (= Zacharias?) of Babylon 218
Zagros 374
zand 35, 46, 51, 74, 151, 153, 378, 379, 380, 383, 384, 398, 399
Zand 35, 46, 48, 376, 380, 398–403, 406, 408–9, 414–15, 417–19, 423, 426
– ZFJ, 48–53, 60–61, 65, 67–74, 79, 91
– redaction of 71
zandigs 402
zaotar 373
Zarathustra 13–15, 17, 19, 29, 35–8, 65, 151–2, 381, 383, 396
zav 423, 425, 428–31
Zimri-Lim 190
Ziusudra 188
zodiac 231, 232
Zoroaster see *Zarathustra*
Zoroastrianism 6–9, 12–21, 34–65, 67, 69–72, 74–5, 77, 80, 86, 93, 148–52, 155, 158, 286, 288, 291–93, 299, 328, 329, 371–2, 378, 388, 393–427, 428, 431, 432
– converts to 149
– Sasanian 64